



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Sixteenth ICC-ASP Bureau Meeting**

**15 October 2012**

**Agenda and Decisions**

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

**1. Adoption of the reports of the Bureau Working Groups**

*a) New York Working Group*

The Bureau adopted the report of the New York Working Group on geographical representation and gender balance in the recruitment of staff, dated 12 October 2012.

Regarding the reports of the New York Working Group on arrears and the Plan of action for ensuring universality and full implementation of the Rome Statute, the Bureau would adopt these reports by a silence procedure once they were agreed upon within the New York Working Group.

*Non-cooperation*

The Bureau would also adopt the Bureau report on non-cooperation by a silence procedure.

*b) The Hague Working Group*

The Bureau adopted the following reports:

- i) Report of The Hague Working Group on cooperation, dated 11 October 2012.
- ii) Report of The Hague Working Group on legal aid, dated 11 October 2012.
- iii) Report of The Hague Working Group on the Independent Oversight Mechanism, dated 11 October 2012.
- iv) Report of The Hague Working Group on victims and affected communities and the Trust Fund for Victims, and reparations, dated 11 October 2012.

*Complementarity*

As regards complementarity, the Bureau took note that consultations were on-going and that the report of the Working Group would be submitted to the Bureau in the coming days.

### *Strategic planning*

The Bureau took note that the report of the Working Group was being finalized in consultation with the previous facilitator and would be submitted to the Bureau.

### *Facilitator on Strategic planning*

The Bureau, on the recommendation of the Working Group, appointed Ambassador Ruthie Rono (Kenya), as the facilitator for Strategic planning.

### *Study Group on Governance*

The Bureau adopted the report of the Study Group on Governance, dated 15 October 2012.

## **2. Election of the Deputy Prosecutor**

The President informed the Bureau that she had conferred with the three States of nationality of the candidates for the post of Deputy Prosecutor. All three candidates would meet with the New York Working Group in person, with the first such meeting to take place with Mr. James Stewart (Canada) on 18 October 2012. Meetings with the other candidates would also be scheduled.

A view was expressed that the Bureau should continue to consider the possibility and modalities for recommending a consensus candidate to the Assembly.

The view was expressed that the Prosecutor should be consulted with regard to the qualities that she sought in her Deputy, and that perhaps the Bureau could meet with her to discuss this. The view was also expressed that the Prosecutor had fulfilled her duties under the Rome Statute and that the process was now in the hands of States Parties. The President would enquire whether the Prosecutor has anything else to communicate to States Parties.

## **3. Advisory Committee on Nominations: Bureau working group**

The Chair of the Working Group, Mr. Dire Tladi (South Africa), informed the Bureau that at its first meeting, on 9 October 2012, the working group had focused on procedural issues, including how it would deal with the requirements in the terms of reference regarding the candidates' competence, while ensuring due regard for the considerations of equity. In this regard, it had decided to consider these elements together. The working group had also decided to recommend that the Bureau and the President appeal to all States Parties to refrain from campaigning. The working group intended to conclude its work by the beginning of November and would report regularly at Bureau meetings.

Concern was expressed that the expected frequency of Bureau meetings would not give Bureau members sufficient opportunity to provide input into the work of the working group, as had been agreed at the 18 September 2012 Bureau meeting. It was suggested in this regard that the Bureau might convene specifically to interact with the working group.

#### 4. Other matters

*a) Election of members of the Board of Directors of the Trust Fund for the benefit of Victims*

The Bureau took note of the note verbale dated 11 October 2012, by which the Permanent Mission of Argentina indicated the withdrawal of the candidature of Ms. Maria Cristina Perceval to the Board of Directors of the Trust Fund for Victims. Consequently, only four candidates had been nominated for the five available seats.

In order to allow for the seat allocated to the Group of Latin American and Caribbean States to be filled, the Bureau decided to re-open the nomination period for two weeks, from 18 October to 1 November 2012 (Central European Time).

*b) Proposal to amend the Rules of Procedure and Evidence*

The President informed the Bureau that she had received a letter, dated 12 October 2012, in which the President of the Court, Judge Sang-Hyun Song, had indicated that the judges of the Court had agreed, by an absolute majority, upon a proposal to amend the Rules of Procedure and Evidence. The proposal, dated 25 September 2012, had been disseminated to States Parties on that date. The issue was under discussion in the Study Group on Governance, which would convene on October 17 and convey its views to the Working Group on Amendments. The latter would subsequently take up the substance of the amendment proposal.

*c) Quarterly report of the Independent Oversight Mechanism (IOM)*

The Bureau took note of the quarterly report of the IOM for the third quarter of 2012, dated 12 October 2012, submitted pursuant to resolution ICC-ASP/8/Res.1, annex, paragraph 15.

*d) Appointment of a facilitator for the omnibus resolution*

The Bureau appointed Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo) as facilitator for the omnibus resolution.

*e) Rationalization of the Bureau term of office*

The Bureau had before it three proposals on the rationalization of the Bureau term of office. It appointed Mr. João Miguel Madureira (Portugal) as focal point to lead internal Bureau discussions on this topic.

*f) Review of the procedure for the election of judges*

The Bureau appointed Mr. Stefan BARRIGA (Liechtenstein) to facilitate discussions on the procedure for the election of judges.<sup>1</sup>

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<sup>1</sup> Pursuant to the mandate contained in ICC-ASP/10/Res.5, paragraph 20.

*g) United Nations Security Council open debate on the Rule of Law with a focus on the International Criminal Court*

The President recalled that on 17 October 2012, the United Nations Security Council would hold an open debate on the Rule of Law with a focus on the International Criminal Court. She appealed to delegations participate in the debate and to make constructive contributions.

*h) President's visit to Addis Ababa*

The President informed the Bureau that, from 22 to 24 October 2012, she would visit Addis Ababa. She appealed to States Parties to convey this information to their representations in Addis Ababa.

It was recalled that some members of the Bureau had, in the previous meeting, called into question the convening of Bureau members in Addis for what was apparently not Bureau business. Instead, it was recommended that the President should consider meeting States Parties collectively, and perhaps bilaterally.

*i) Absence of the Vice-President*

The President informed the Bureau that in the coming weeks the situation might arise that the New York Working Group needed to meet while both she and Vice-President of the Assembly, Ambassador Ken Kanda (Ghana) were away from New York. The Bureau decided that, in these circumstances, another member of the Bureau, preferably a representative of Ghana, could chair the Working Group.

*j) Next Bureau meeting*

The next Bureau meeting will be held on 29 October 2012.

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