



## Seventh ICC-ASP Bureau Meeting

28 February 2012

### Agenda and Decisions

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

#### 1. Bureau Working Groups: Appointment of facilitators

The Bureau appointed facilitators of its Working Groups as follows:

*a) New York Working Group*

- i) Arrears: Mr. Yukihiro Wada (Japan)
- ii) Peace and Justice: Ms. Fernanda Millicay (Argentina), Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo) and Mr. Nikolas Stürchler (Switzerland)

*b) The Hague Working Group*

- i) Budget: Ambassador Håkan Emsgård (Sweden)
- ii) Cooperation: Ambassador Anniken Krutnes (Norway)
- iii) Independent Oversight Mechanism: Ambassador Jorge Urbina (Costa Rica)
- iv) Strategic planning: Ambassador Jean-Marc Hoscheit (Luxembourg)
- v) Complementarity: Denmark and South Africa, as *ad country* focal points
- vi) Study Group on Governance
  - o Focal point for Cluster I, Increasing the efficiency of the criminal process: Mr. Kanbar Hossein Bor (United Kingdom)
  - o Focal point for Cluster II, budgetary process: Mr. Cary Scott-Kemmis (Australia)

The Bureau noted that Mr. Irvin Høyland (Norway) was appointed Coordinator for legal aid on 3 February 2012, via a Hague Working Group silence procedure.

Following an expression of interest by Costa Rica, the Bureau would consider the appointment of the facilitator on geographical representation and gender balance in the recruitment of staff of the Court at its next meeting.

The President encouraged States Parties to take up the following facilitations:

In the New York Working Group:

Plan of action for achieving universality and full implementation of the Rome Statute

In The Hague Working Group:

- i) Reparations
- ii) Victims and affected communities and Trust Fund for Victims

## **2. Eleventh session of the Assembly**

### *a) Provisional agenda*

The President recalled the debate at the 31 January 2012 Bureau meeting regarding the retention or otherwise of the general debate, and especially its financial implications.

A suggestion was raised, in light of the financial resources required by the general debate and the need to have more substantive discussions at the sessions of the Assembly, for a review after the upcoming eleventh session, of the need to retain the general debate. This would allow the general debate to take place in the year of the tenth anniversary of the entry into force of the Rome Statute. A further suggestion was not to retain the general debate at all, but to allow States to express their support for the Court through written statements to be posted on the Court's website.

Support was expressed for the retention of the general debate as an important occasion for States to reaffirm their support for the Court. Means of restructuring the debate, by setting a general theme, by encouraging statements from regional groups or by setting and enforcing time limits were suggested.

The Bureau will revert to this item at a future meeting.

### *b) Nomination period for election to the Board of Directors of the Trust Fund for Victims*

In accordance with resolution ICC-ASP/1/Res.7, the Bureau decided to fix the nomination period for the election of the members of the Board of Directors of the Trust Fund for Victims to run for a 12-week period, from 16 May to 8 August 2012.

The President called for the nomination of highly qualified candidates and pointed especially to the importance of the Board of Directors in the governance of the Trust Fund and in attracting voluntary contributions.

## **3. Independent Oversight Mechanism**

On the basis of the 17 February 2012 decision of The Hague Working Group, the Bureau decided to request the United Nations to extend the secondment to the Court of Ms. Kristina Carey, the temporary head of the Independent Oversight Mechanism (IOM), for a period of one year.

The Bureau also decided to defer the recruitment of the Head of the IOM until after the eleventh session of the Assembly, when the question of the comprehensive mandate of the IOM is clear, i.e. the operationalization of the investigation, evaluation and inspection functions indicated in article 112, paragraph 4, of the Rome Statute.

#### 4. Other matters

##### *a) Legal aid*

The President indicated that the Coordinator of The Hague Working Group, Vice-President Markus Börlin (Switzerland), had informed her that the Working Group would require additional time to consider the Registrar's 15 February 2012 proposal for a review of the legal aid system. Therefore, adoption by the Bureau of a decision concerning the legal aid scheme before 1 March 2012, pursuant to resolution ICC-ASP/10/Res.4, would not be possible.

The Bureau encouraged The Hague Working Group to conclude its discussions by mid-March at the latest, so as to allow the Bureau to adopt a decision in order to allow for the implementation of the revised legal aid scheme by 1 April 2012, as envisaged by the aforementioned resolution.

##### *b) Contingency Fund*

The Bureau took note of the following communications:

- a) The 7 February 2012 response of the Registrar to the 13 January letter of the Chair of the Committee on Budget and Finance concerning the Court's 4 January 2012 detailed notification for €391,800, submitted pursuant to regulation 6.7 of the Financial Regulations and Rules, in relation to the Gbagbo case;
- b) The 14 February 2012 letter from the Chair of the Committee on Budget and Finance to the Registrar.

The Bureau also took note of a Registry background note regarding the freezing of assets, dated 24 February 2012.

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

The Bureau took note that the deadline for the vacancy announcement for the post of Deputy Prosecutor had been extended to 31 March 2012, and is available on the Court's website.

##### *d) Membership of the Oversight Committee on permanent premises*

Following a recommendation by the Latin American and Caribbean States, the Bureau designated Venezuela (Bolivarian Republic of) as a member of the Oversight Committee. The term of the mandate will coincide with that of the members identified in annex II to resolution ICC-ASP/10/Res.6, i.e. for a two-year period as of 21 December 2011.

##### *e) Non-cooperation*

The Bureau took note of the 25 January 2012 letter from the Minister of Foreign Affairs and International Cooperation of Malawi, addressed to the President of the Assembly.

The President informed the Bureau that in addition to the correspondence with Malawi, she had met with the Permanent Representative of Malawi to the United Nations. A meeting had also been held with the latter and the Legal Counsel to the President of Malawi. Furthermore, the Ambassador of Malawi based in Brussels had visited the Court to discuss the matter.

She further indicated that no reply had yet been received from Chad, and that a meeting with the Permanent Representative of Chad was scheduled for 28 February 2012. She would inform the Bureau of the outcome in writing. A further meeting of the Bureau might be convened at short notice.

It was noted that while the decision of the Pre-Trial Chamber regarding Chad, dated 13 December 2011, stated that it was done in both English and French, it appeared to be available in French only.

The Bureau also called for expressions of interest of four of its members to assume the role of regional focal points for cooperation to assist the President, as set out in paragraph 16 of the Assembly procedures relating to non-cooperation.

*f) Process for the election of the Prosecutor*

The Bureau designated Mr. Duncan Laki Muhumuza (Uganda) to seek initial views from States Parties regarding the process for the election of the Prosecutor, as set out in paragraph 22 of resolution ICC-ASP/10/Res.5. The President also indicated that any other State Party representative willing to join Mr. Muhumuza in this undertaking could assist him.

*g) Activities of the President of the Assembly*

The President informed the Bureau that she had met with the United Nations Under-Secretaries-General for Legal Affairs, Political Affairs and Peacekeeping Operations, as well as other United Nations officials to discuss the relationship between the United Nations and the Court. She had especially raised the issue of essential and non-essential contacts between the United Nations and individuals indicted by the Court.

She had also met with some members of the United Nations Security Council, as well as two successive Presidents of the Council.

In addition, she had held meetings to encourage the universality of the Rome Statute and, to that end, had participated in a 12 to 16 February meeting in Sydney, Australia, which focused on the Pacific Island States. She had also undertaken a number of meetings pertaining to complementarity and encouraged States Parties to further consider the topic of positive complementarity.

From 30 January to 3 February 2012, the President visited the seat of the Court in The Hague, as well as Brussels. At the invitation of the European Union's COJUR working group on the Court, the President addressed COJUR-ICC; she also met with members of the European Parliament and officials of the European Commission.

President Intelmann expressed her wish to continue interacting with regional organizations, especially the African Union.

*h) Tenth anniversary of the entry into force of the Rome Statute*

The Bureau appealed to States, intergovernmental organizations and civil society to organize events under the theme "Tenth anniversary of the entry into force of the Rome Statute", with a preference for the events to be focused on the future of the Rome Statute system and on universality of the Statute. The President undertook to issue a formal communication to that effect.

The Bureau requested the Secretariat of the Assembly to set up a webpage to reflect all events held in connection with the tenth anniversary of the entry into force of the Rome Statute, within existing resources. Information about tenth anniversary events to be posted on the website should be sent to: 10A.info@icc-cpi.int.

*i) Pension regime applicable to two judges elected in 2007*

The view was expressed that clarification was needed as to whether this was a matter of individual claims for which there was a recourse available. In that regard, the question was raised whether judges have access to the Administrative Tribunal of the International Labour Organization.

The view was expressed that given the note verbale from the Permanent Mission of Uganda dated 16 January 2012, it was for the Bureau to deal with this topic.

The representative of Uganda pointed to the urgency of the issue, given that the judges in question would be retiring on 10 March. He suggested that the judges either be given options with how to proceed or at least a letter outlining the current situation in the Bureau.

Following an exchange of views, and taking note of the impending expiration on 10 March 2012 of the terms of office of the two judges concerned, the President proposed to address a letter to the Permanent Mission of Uganda to the United Nations, setting out the discussions held in the Bureau on this issue.

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