



Eighth ICC-ASP Bureau Meeting

1 March 2012

Agenda and Decisions

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

Non-cooperation

Further to her email message of 29 February 2012, the President informed that she had met with the Permanent Representative of Chad to the United Nations, H.E. Ambassador Allam-mi. She had been informed that her letter had been forwarded to the Foreign Minister of Chad. The Permanent Representative of Chad had noted that Chad was in full compliance with international law. He had also referred to the decisions of the African Union on this matter, especially the request of the African Union to the United Nations Security Council to defer the issue of the arrest warrant against Omar Al-Bashir.

Noting that Pre-Trial Chamber I of the Court had also referred its findings of non-cooperation to the United Nations Security Council as well as the Assembly, the President recalled that she had met two successive Presidents of the Security Council to discuss the matter. She had also engaged in bilateral discussions with a number of members of the Security Council. It was noted that the Security Council retains a responsibility for this situation, having referred it to the Court and it was suggested that States Parties continue to engage with members of the Security Council on this matter.

Attention was drawn to the fact that in hosting Omar Al-Bashir, the two States in question had breached treaty obligations owed to all other States Parties. The different response from Malawi, which had replied to the President's 16 January 2012 letter, was noted. Given the differing responses, it was suggested that a flexible but consistent approach be adopted.

It was also noted that in the Assembly procedures on non-cooperation annexed to resolution ICC-ASP/10/Res.5, the Bureau had a non-prescriptive toolkit from which to draw possible future actions.

The President informed that she would address a letter to all States Parties drawing attention to her 16 January 2012 letter to the Foreign Minister of Chad and requesting them to use their bilateral contacts with Chad to ask it to abide by its obligations under the Rome Statute, bring about an engagement with the on-going Bureau process and to discourage recurrence.

Bureau members undertook to contact members of the Security Council with a view to bringing about a Council response to the two findings referred to it by the Court. Members of the Bureau also undertook to engage with other States Parties in this matter.

The Bureau would revert to the topic of non-cooperation at its next meeting.