



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Second meeting

17 March 2014

Agenda and Decisions

The meeting was chaired by the President of the Assembly of States Parties, Ambassador Tiina Intelmann.

1. Appointment of facilitators and focal points of the Bureau working groups

New York Working Group- Facilitator

The Bureau decided to appoint Ms. Gina Guillén Grillo (Costa Rica) as facilitator for the topic “Geographical representation and gender balance in the recruitment of staff of the Court.”

The President recalled that on the basis of the Report on the Rationalization of Working Methods of the Bureau and to streamline the work of the Assembly, there is no reporting requested from this facilitation for the thirteenth session of the Assembly.

Ad country focal points

The Bureau decided to appoint Botswana and Sweden as *ad country* focal points for the topic “Complementarity”.

Study Group on Governance- clarification of Cluster II appointment

The Bureau recalled the mandates adopted by the Assembly at its twelfth session as reflected in annex I of the omnibus resolution ICC-ASP/12/Res.8 and requested the President to engage in consultations with The Hague Working Group to clarify and report to the Bureau: a) The specific mandate intended on intermediaries for Cluster II; b) The broader plan for Cluster II as referred to in the informal summary of the 31 January 2014 meeting of The Hague Working Group; and c) The plans of The Hague Working Group to implement the recommendations of the Report of the Bureau on the Evaluation and Rationalization of Working Methods of the Subsidiary bodies of the Bureau (ICC-ASP/12/59).

2. Recruitment Panel for the Head of the Independent Oversight Mechanism (IOM)

The Bureau considered the draft terms of reference for the recruitment panel in the paper dated 17 March 2014 and would revert to the matter.

3. Advisory Committee on nominations of judges

The Bureau regretted the passing, on 4 February 2014, of Judge Árpád Prandler (Hungary), a member of the Advisory Committee on nominations of judges (ACN).

The Assembly could consider possible changes to the rules governing the election of ACN members, so as to allow vacancies to be filled.

4. Legal aid

The Bureau took note of the Registry's fourth quarterly report on monitoring and assessing the implementation performance of legal aid for the period 1 April 2012 – 31 December 2013, and the fact that it would be considered on 27 March 2014 by The Hague Working Group.

5. Thirteenth session of the Assembly of States Parties

a) Nomination period for the election of six members of the Committee on Budget and Finance

The Bureau decided to continue its past practice whereby the nomination period for the election of members Committee on Budget and Finance shall open 26 weeks before the election and last 12 weeks. Accordingly, the nomination period for the election of six members of the Committee on Budget and Finance, whose terms will expire on 20 April 2015, would run from 9 June to 31 August 2014. The Secretariat would inform States Parties of the opening of the nomination period.

b) Agreement on the Privileges and Immunities of the International Criminal Court: Pledging ceremony

The Bureau considered a revised note, dated 12 June 2014, submitted by Belgium relating to the organization of a pledging ceremony on the Agreement on the Privileges and Immunities of the International Criminal Court (APIC) at the thirteenth session of the Assembly.

The Bureau invited its members to volunteer as regional representatives, as foreseen in the note, and requested the President to send out a letter to States Parties thereafter.

The Bureau may also consider initiatives by its members regarding the thirteenth session of the Assembly and the promotion of the ratification of the amendments to the Rome Statute adopted at the 2010 Kampala Review Conference.

6. Other matters

a) Selection of the President and Bureau for the thirteenth to sixteenth sessions of the Assembly

(i) President

The President informed the Bureau of a meeting convened on 10 February 2014 in New York by Vice-President of the Assembly, Ambassador Ken Kanda (Ghana) to discuss with African States Parties the selection of the next President of the Assembly.

The President informed the Bureau that Ambassador Kanda intends to report by the end of March on his consultations for the identification of a candidate of the African States Parties.

(ii) Bureau members, including Vice-Presidents

With the appointment by the Bureau of Trinidad and Tobago the Bureau completed its appointment of the five regional focal points to identify future Bureau members. The four

regional focal points previously appointed were the Czech Republic, Finland, Gabon and Japan.

The Bureau was informed that the President would send a letter to all States Parties regarding the process to identify the future Bureau.¹

The Bureau agreed that to facilitate the transition to the next Bureau, in line with previous practice, the President may invite endorsed candidates to attend Bureau meetings as observers.

b) Visit of an ICC indictee to a State Party

The Bureau was informed about a visit by President Omar Al-Bashir (Sudan) to the Democratic Republic of the Congo (DRC) to attend the 17th COMESA Summit of Heads of State and Government in Kinshasa. The Bureau took note of the 25 February 2014 letter from the President of the Assembly to H.E. M. Raymond Tshibanda N'tungamulongo, *Ministre des Affaires étrangères, Coopération internationale et Francophonie* of the Democratic Republic of the Congo, as well as his 5 March 2014 response, and the 3 March 2014 Decision of Pre-Trial Chamber II inviting the Democratic Republic of the Congo to submit by 14 March 2014 observations on the visit.

The focal points on non-cooperation in the Bureau were invited to inform of the actions taken in their respective regions. Belgium, the focal point for the Western European and Other States, informed the Bureau of the actions undertaken by some States Parties and regional organizations.

The Head of ICC Liaison Office to the UN informed the Bureau that the government of the Democratic Republic of the Congo had met the deadline by the Court for a response to the incident and that the Registry would prepare a report for the Chamber's attention.

c) Registry's update on the report of the Independent Review Team regarding allegations of sexual assault of four victims under ICC protection

The Bureau took note of the progress in the implementation of the recommendations arising from the report of 20 December 2013 of the independent panel regarding allegations of sexual assault of four victims under ICC protection. The report had been made public and a press release had been issued in December whereby the President of the Assembly welcomed the submission of the report, as well as the Registrar's commitment to address the matters raised in the report.

The President informed the Bureau about further actions taken by the Registry, based on the 6 March 2014 briefing by the Registrar to The Hague Working Group.

The President highlighted in this regard the urgent need to recruit a head for the IOM.

The Bureau was notified that further information on the implementation of the recommendations made by the panel may be provided by the Registrar when he visits New York.

¹ The letter and information on the composition of the Bureau may be found at:
http://www.icc-cpi.int/EN_Menu/asp/bureau/pages/bureau%20of%20the%20assembly.aspx

d) Regulations of the Registry

The Bureau took note that as part of the process of expediting the Court's proceedings, the Presidency of the Court had approved on 4 December 2013 a broad series of amendments to the Regulations of the Registry, in accordance with rule 14 of the Rules of Procedure and Evidence.²

e) Judicial developments

The Bureau took note of the second conviction by the Court delivered on 7 March by the Trial Chamber II in the case against Mr. Germain Katanga (Situation in the Democratic Republic of the Congo). Decisions on sentencing and reparations will be rendered later.

f) Recent developments at the United Nations Security Council related to the ICC

The Bureau noted that since the beginning of the year the Council has adopted numerous resolutions with positive references to the Court.³ The Council has also adopted several Presidential Statements with references to the Court.⁴

g) Rome Statute: proposal for amendments

The Bureau noted that on 14 March 2014, the United Nations Secretary-General, in his capacity as depositary of the Rome Statute, had circulated to States Parties the depositary notification C.N.1026.2013, dated 13 March 2014, containing proposed amendments to the Rome Statute submitted by Kenya.

h) President's visits

The President informed the Bureau of her recent visits in February and March, to Côte d'Ivoire for a meeting of parliamentarians from Francophone Africa, to Brussels and to Washington DC (to brief States Parties Embassy staff and civil society).

The President informed the Bureau of her forthcoming travel to The Hague (18-21 March for consultations).

i) Next Bureau meeting

The President informed the Bureau that some meetings of the Bureau would take place in The Hague. However, the next meeting of the Bureau would be in New York in April 2014.

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² Additional information may be found on the Court's website and the press release from 5 December 2013.

³ Resolution 2134 (28 January 2014) on the Central African Republic; resolution 2136 (30 January 2014), on the Democratic Republic of the Congo; resolution 2143 (7 March 2014) on Children in Armed Conflict, and resolution 2144 (14 March 2014) on the situation in Libya.

⁴ Presidential Statement S/PRST/2014/3 (12 February 2014) on the Protection of Civilians; and Presidential Statement S/PRST/2014/5 (21 February 2014) on rule of law and the maintenance of international peace and security which notably mentions for the first time in a Security Council document the "Guidance of the UN Secretary-General on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses."