



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Eleventh meeting

10 November 2014

Agenda and decisions

1. Preparations for the thirteenth session of the Assembly

a) Work programme for the thirteenth session

The Bureau decided to adopt an amended provisional programme of work, reflecting the decisions adopted at the eleventh meeting of the Bureau, and requested the Secretariat to disseminate it.

b) General debate

The Bureau decided to schedule the general debate at 10:00 to 13:00 and 15:00 to 18:00 hours on 10 December 2014. Given that interpretation at the United Nations is only available during regular working hours (10:00 – 13:00 and 15:00 – 18:00), and considering the importance of the general debate, the Bureau decided to reserve time for the continuation of the general debate from 15:00 to 18:00 hours on 11 December 2014.

The Bureau noted that the list of speakers would open on 17 November 2014 (Central European Time). Delegations should convey their request for inscription into the general debate via fax +31 70 515 8376 or e-mail to asp@icc-cpi.int.

Following the past practice of the Assembly, the Bureau encouraged States Parties to avail themselves of the possibility of participating in the debate by making written submissions, which would be posted on the website of the Assembly. The Bureau also encouraged States in a position to do so to submit only written statements.

i) Time limits

In accordance with rule 50 of the Rules of Procedure and with previous Assembly decisions, the Bureau recommended the Assembly to request speakers in the debate to observe a time limit of five minutes.

ii) Participation of observers and non-governmental organizations

In accordance with rules 92 and 93, respectively, of the Rules of Procedure, States not party to the Statute and non-governmental organizations may participate in the sessions and work of the Assembly, without the right to vote. In accordance with its previous decisions, the Bureau decided to recommend the Assembly, to allocate

45 minutes for the participation of observers in the debate and to allocate 45 minutes to the non-governmental organizations for the delivery of statements at the end of the debate.

c) Elections

i) Election of six judges

The Bureau noted the following documents regarding the election of six judges which are also available on the website of the Assembly:¹

i. Guide for the fifth election of the judges of the International Criminal Court (ICC-ASP/13/21); and

ii. Report of the Advisory Committee on Nominations of Judges on the work of its third meeting (ICC-ASP/13/22).

ii) Designation of national tellers for the elections

The Bureau decided to appoint Gabon (Africa) and Finland (WEOG) as focal points to identify a national teller from their respective groups to assist with the elections at the thirteenth session. The national tellers would need to be available to attend the briefing for the national tellers on 4 December 2014 at UNHQ, as well as the mock election scheduled for 18:30 on 5 December 2014 at UNHQ.

The President encouraged the remaining regional groups to appoint focal points as soon as possible.

iii) Election of six members of the Committee on Budget and Finance

The Bureau noted that consultations amongst the Asia-Pacific region have led to the region identifying two candidates for the two vacancies for the election to the Committee. The President expressed her appreciation of the successful outcome of consultations.

iv) Vacancy on the Committee on Budget and Finance

The Bureau noted that by the close of the nomination period, on 26 October 2014 (CET), Mr. Richard Veneau (France) was nominated to fill the vacancy which arose after resignation of Mr. Gilles Finkelstein (France).

v) States in arrears

The Bureau recalled that pursuant to article 112(8) of the Rome Statute, a State Party which is in arrears in the payment of its financial contributions toward the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.

¹ http://icc-cpi.int/EN_Menus/asp/sessions/documentation/13th-session/pages/default.aspx.

The Bureau noted that as at 21 October 2014, 12 States in arrears risk losing their vote under article 112(8) should they not make at least a minimum payment to the Court before the commencement of the session of the Assembly. The President encouraged all States Parties to meet their budgetary obligations towards the Court on time.

d) List of supplementary agenda items

The Bureau considered the note verbale 514/14 by Kenya, dated 16 October 2014, addressed to the President of the Assembly, by which it requested the inclusion of a supplementary item on the thirteenth session of the Assembly, and note verbale 561/14, dated 3 November 2014, whereby Kenya provided further clarifications on its request.

The President recalled that that pursuant to rule 12 of the Rules of Procedure of the Assembly of States Parties, the supplementary list of agenda items, including proposed items from any State Party, the Court or the Bureau, shall be communicated at least twenty days before the opening of the session, which means on 18 November 2014.

The Bureau held an initial exchange of views to consider whether to recommend or not to the Assembly the inclusion of this agenda item, based on the information provided by Kenya and by the Court. The Bureau will continue discussing this request at its next meetings.

e) Credentials Committee

The Bureau appointed Gabon (Africa) and Finland (WEOG) as focal points to identify members of the Credentials Committee from their respective regional groups. The Bureau recalled that rule 25 of the Rules of Procedure of the Assembly of States Parties, provides that a Credentials Committee shall be appointed at the beginning of each session; that it shall consist of representatives of nine States Parties, which shall be appointed by the Assembly on the proposal of the President; and that the members of the Credentials Committee usually differ from the Bureau members but tend to remain the same throughout the three year mandate of the Bureau.

The President encouraged Bureau members from the remaining regional groups to take on this responsibility.

f) Side events

The Bureau requested observers and non-governmental organizations wishing to hold side-events during the thirteenth session to so indicate to the Secretariat by the week of 17 November 2014. As the Assembly is held at UNHQ, delegations interested in organizing such side events should reserve the respective conference room directly with the UN Secretariat and convey information thereon to the Assembly Secretariat in The Hague, who would be preparing an ASP Journal with the tentative publication date during the week of 17 November.

2. Independent Oversight Mechanism: Selection panel recommendation

The Bureau recalled it had received documentation regarding the recommendation of the selection panel for the Head of the IOM.

The Bureau was briefed by the facilitator (Belgium) on the outcome of the consultations. It informed that no delegation had contested the work of the panel, and that additional documentation had been provided to the members of the Bureau.

The Bureau recalled that it is the only inter-sessional decision-making body of the Assembly, and that any decision shall be taken during its formal meetings.

The Bureau decided to continue its consideration of this issue.

3. Amendments to the norms on timelines for judicial vacancies

The Bureau was briefed by the facilitator on the amendments to the norms on timelines for judicial vacancies on the proposal dated 4 November 2014. The Bureau decided that it would consider the adoption of the proposal for the omnibus resolution.

4. Reports of the Bureau

The Bureau recalled the report of the Bureau: Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau (ICC-ASP/12/59), dated 20 November 2013;² the report of the Retreat of 3 June 2014 on improving the Governance of the Assembly and preparing for its thirteenth session, dated 29 September 2014; and the report of the Secretariat of the Assembly of States Parties on its responsibilities, dated 2 June 2014.

The Bureau noted it had received the following reports that had been adopted by The Hague Working Group:

- a)* Report on cooperation, dated 7 November 2014;
- b)* Report on Strategic planning process of the International Criminal Court, dated 29 October 2014;
- c)* Report of the Study Group on Governance, dated 28 October 2015;
- d)* Report on legal aid, dated 31 October 2014;
- e)* Report on complementarity, dated 5 November 2014; and
- f)* Report on victims and affected communities, Trust Fund for Victims and reparations, dated 6 November 2014.

In light the recommendations on working methods of the Bureau, the Bureau decided that its members will carefully read the reports received by the Bureau with a view of discussing them in an informal setting and for adopting them shortly

² http://www.icc-cpi.int/iccdocs/asp_docs/ASP12/ICC-ASP-12-59-ENG.pdf.

thereafter, in order to convey the relevant provisions to the facilitator of the omnibus resolution for their consideration during the consultations.

g) Omnibus resolution

The Bureau was informed that pursuant to 7 November 2014 message of the facilitator, the zero draft of the omnibus resolution should be circulated to the delegations on 10 November, and will be considered pursuant to the schedule of consultations contained in said message.

h) Report of the Advisory Committee on Nominations

The Bureau noted that the report of the Advisory Committee on Nominations of Judges on the work of its third meeting contained recommendations relating to a casual vacancy on the Committee and recommendations concerning the amendment of the terms of reference of the Committee,³ and decided to convey the proposals to the facilitation on the omnibus resolution for consideration.

5. Committee on Budget and Finance

The Bureau noted that the report of the Committee on Budget and Finance on its work at its twenty-third session had been sent to States on 6 November 2014.

The Bureau was informed that the facilitator on the budget, Ambassador Werner Druml (Austria) and the Chair of the Committee on Budget and Finance, Ms. Carolina Fernández, will visit New York on 17 November 2014 in order to update the New York Working Group on the budget consultations and the outcome of the twenty-third session of the Committee.

6. Contingency Fund

The Bureau noted the notification to access the Contingency Fund, submitted by the Registrar pursuant to regulation 6.7 of the Financial Regulations and Rules, dated 30 September 2014, relating to the unforeseen and unavoidable costs in the case of *The Prosecutor v. Charles Blé Goudé*, including the provision of legal aid, the transfer of the suspect and support staff.

The Bureau also noted that the Registrar had submitted revised figures for the two article 70 Contingency Fund notifications. The original amount of €3,963,300 was reduced by €1,300,000 bringing the notified amount for the two notifications down to €2,663,300.

7. Other matters

a) Judicial developments

The Bureau noted that on 11 November the Prosecutor would deliver its eighth report to the Security Council pursuant to resolution 1970 (2011).

³ Appendices I and II of annex II to the Report of the Advisory Committee on Nominations of Judges on the work of its third meeting.

b) Developments at the United Nations Security Council and the United Nations

The Bureau noted the report of the Court (A/69/324 and A/69/372) to the UN General Assembly, delivered on 30 October 2014 by the President of the Court, Judge Sang-Hyun Song.

c) Activities of the President

The President informed the Bureau that on 6 and 7 October 2014, she visited Ukraine for high-level consultations on prospects of ratification of the Rome Statute with officials from the Office of the President, the Ministry of Foreign Affairs, Ministry of Justice, Constitutional Court and the Parliament of Ukraine. The officials clarified the timing and modalities of an amendment to the Ukrainian constitution which would allow Ukraine to ratify the Statute. President Intelmann also delivered a number of lectures to raise awareness about the Rome Statute system.⁴

The President also informed of her visit to the European Parliament on 10 October 2014 to brief the parliamentarians on the ongoing work of the Assembly.

The President also informed that on 15 October she visited the Parliament of Jordan where she met with numerous parliamentarians from States Parties and non-Parties from the region, and who she encouraged to continue promoting ratifications of the Rome Statute.⁵

d) Next Bureau meeting

The Bureau decided to meet on 14 November in The Hague and in the week of 17 November in New York.

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⁴ http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1048.aspx.

⁵ http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1051A.aspx.