



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Seventh meeting

New York

4 May 2018

Agenda and decisions

The President of the Assembly, H.E. O-Gon Kwon (Republic of Korea) chaired the meeting.

1. Assessment of the Secretariat

At its sixteenth session the Assembly had requested the Bureau to “conduct an assessment of the core functions of the Secretariat in assisting and servicing the current needs of the Assembly and to report thereon to the Assembly in advance of its seventeenth session.”¹ In response, the President of the Assembly had requested at the 29 January meeting of the Bureau that the Director of the Secretariat of the Assembly respond to the 2015 *ReVision* report in writing. Since the report of the Director had been submitted on 16 April 2018, the Bureau could not deal with the matter at its sixth meeting on 17 April in The Hague. Thus, the Bureau started the discussion on the issue on 4 May in New York and would continue on 4 June in The Hague.

Regarding the working method on the assessment of the Secretariat, the Bureau had suggested in New York at the 29 January meeting to appoint an *ad country* focal point, which would allow for discussions in both New York and The Hague. At the Bureau meeting in The Hague on the 17 April, however, some Bureau members saw no need for focal points and preferred that the Bureau should directly take up the assessment. On the other hand, some Bureau members stated that since the Secretariat served all States Parties, it was important that views outside the Bureau be sought.

Thus, the President proposed and the Bureau concurred to request that the Vice-President in New York, Ambassador Michal Mlynar, and the Coordinator of The Hague Working Group of the Bureau, Ambassador Jens Horslund, consult with States Parties, gather relevant information and opinions and share this with the Bureau. Then the Bureau would consider the issue and make recommendations to the seventeenth session of the Assembly.

Some delegations expressed that the assessment of the Secretariat should seek to identify forward-looking practical solutions to meet increased workloads in the activities of the Assembly, including New York, and that in this endeavor it would be beneficial to have input from the former

¹ ICC/ASP/16/Res.6, annex I, para. 7 (b).

Presidents and Vice-Presidents of the Assembly, as well as facilitators and subsidiary organs serviced by the Assembly.

Some delegations stated that it was very important that the Bureau respond to the issues raised in the *ReVision* report while others stated that although that report could form the basis of the assessment, it did not need to be taken as something that should be implemented in its entirety. Reference was made to seeking the view of the Committee on Budget and Finance, since many of the recommendations contained in the *ReVision* report had budgetary implications, as well as a possible role for the Independent Oversight Mechanism, which could undertake an evaluation.

The point was made that input from a wide range of actors, including all States Parties, would assist the Bureau to find a way forward in the assessment of the Secretariat. Some delegations noted that in the 16 April 2018 report submitted by the Director, the Secretariat concurred with many of the recommendations contained in the *ReVision* report, that some recommendations has already been implemented while others were in the process of being implemented. In this connection, some delegations requested – as a way toward reducing the workload of the Bureau – that the Secretariat further report on the stage of implementation of those recommendations.

The Director of the Secretariat made a brief presentation of the report, highlighting that the first part of the report recalls, inter alia, the mandate which the Assembly had given the Secretariat when it was established; that the staffing and budget requests submitted by the Secretariat for consideration by the Assembly had been essentially the same for many years, evidencing a very cautious resort to requesting additional resources, despite the increases in the workload; statistics on the number of meetings held in The Hague and New York; and the positive impact of the Review of working methods undertaken by the Assembly as of 2013,² which had for example managed to reduce the number of meetings that had been increasing on a sustained basis, etc. The second part of the report contained information on the recommendations from the 2015 *ReVision* report that fell within the purview of the Director of the Secretariat, and on the key issues which has been raised therein. He indicated that other recommendations were policy-oriented or were not meant for the Director. Furthermore, the Director stressed that he had only received the 2015 *ReVision* report on 13 December 2017, when it was circulated as part of the documentation being considered at the sixteenth session of the Assembly. The Secretariat recalled that its *raison d'être* was to service the States Parties, since there were topics/matters where independent servicing, distinct and completely separate from the activities of the Court, was indispensable, including elections of judges and other senior officials, as well the elections of members of subsidiary bodies of the Assembly and the servicing of those bodies.³

Delegations expressed thanks for the comprehensive response report from 16 April 2018 by the Secretariat and the positive developments it contained.

Divergent views were expressed by delegations regarding the *ReVision* report, which for some had problems and there was thus no need to reply to all the points raised in the *ReVision* report. According to another view the *ReVision* process need not be viewed negatively because it provided an opportunity for changes in the work of the Secretariat, while other delegations stated that they preferred to view the report pragmatically.

² ICC-ASP/12/59.

³ Besides the judges, the election of the Prosecutor, Deputy-Prosecutor, the members of the Committee on Budget and Finance, the members of the Advisory Committee on nomination of judges, the members of the Board of Directors of the Trust Fund for victims, and the recommendation on the election of the Registrar. Other sensitive topics included the Independent Oversight Mechanism, and the permanent premises of the Court.

Some stated that recommendations in the *ReVision* report involved different stakeholders and recalled that some were directed to the President of the Assembly. In this regard, a view was expressed that it would be useful to consider the issue of cooperation between the New York Liaison Office and part of the Secretariat based in New York,⁴ and the issue of the pooling of resources between the Registry and the Secretariat of the Assembly.⁵ A view was also presented that the Liaison Office needed to be revamped as a tool to provide support to both the Court and the Assembly.

The Head of the New York Liaison Office stated that even though it was not part of the assessment of the Secretariat, the Court would like to provide input in the current process since both the *ReVision* report and the 16 April 2018 report by the Secretariat mentioned the Court and the Liaison Office.

A view was expressed that there is a huge asymmetry between the number of staff in The Hague and New York while the number of meetings in both locations were more or less on par during 2016 and 2017, requesting that the Secretariat should provide more servicing to the work conducted in New York, including its support for the President of the Assembly.

In this connection, the Secretariat indicated that, in consultation with the Assembly President and the Vice-President in New York, consideration was being given to the means to provide additional substantive servicing in New York.

The President stated that he, together with Ambassadors Mlynar and Horslund, would collect views from a wide range of stakeholders and turn back to the Bureau with a focus on important issues. He further stated that the issue will continue to be discussed in The Hague, and in future Bureau meetings.

2. Other matters

a) Confidentiality of IOM reports

The President recalled that at the 17 April meeting, the Bureau had considered the Quarterly Report of the IOM for the period from January to March 2018, submitted by the Acting Head of the IOM, Ms. Judit Jankovic. One of the key issues raised was the confidentiality of the reports of the IOM. There was a request from some Bureau members that the IOM reports on the outcomes of investigations should be made available to the Bureau, with due regard as necessary to some anonymity which may be required. The Acting Head cited the confidentiality of such IOM reports, which prompted a request for details of the legal basis for this confidentiality. The Acting Head referred to rule 26 of the Rules of Procedure and Evidence and Assembly resolution ICC-ASP/12/Res.6 (“Independent Oversight Mechanism”). However, there was a request for greater clarity on the provisions governing confidentiality. The Bureau would receive additional information from the IOM for consideration at its 4 June meeting.

b) Update on the request for interpretation for meetings of the Bureau and for some meetings of The Hague Working Group of the Bureau.

Earlier in 2018, some delegations had requested interpretation for the meetings of the Bureau and The Hague Working Group meeting on cooperation. The response of the then Registrar, Mr. Herman von Hebel, was that it not possible for the Registry to provide interpretation for budgetary reasons, given the impact provision of such interpretation services could have on the work of the interpretation staff

⁴ As contained in recommendation 2 of the *ReVision* report.

⁵ As contained in recommendation 12 of the *ReVision* report.

regarding judicial proceedings and also given that the provision of interpretation for the Assembly was a mandate of the Secretariat.

However, some delegations recalled that during the 2014-2017 mandate of the President of the Assembly, H.E. Mr. Sidiki Kaba, the Registry had provided interpretation for Bureau meetings held in The Hague.

Following the 17 April Bureau meeting, the President had posed the following questions to the new Registrar, Mr. Peter Lewis: 1) Whether the Registry could provide English-French interpretation for meetings of the Bureau and of The Hague Working Group, under the current circumstances without taking any further budgetary measures?; 2) If not, what further measures are necessary and to what extent? The reply of the Registrar was forthcoming.

At 17 April meeting, the President had also posed the following questions to the Bureau members: 1) What about Arabic/Spanish interpretation?; 2) What about the Bureau meetings held in New York? These questions would also be discussed in the June Bureau meeting.

Some delegations replied that the French interpretation service should be provided as a matter of principle, and thus should not be compromised for budgetary or other practical reasons. The view was also expressed that the expense to be incurred would be the cost of better communication in the multilateral context. Other delegations stated that Spanish interpretation should also be provided. According to another view, efficiency should be taken into account in considering this issue. The President stated that the issue is a matter of principle but that it also has budgetary connotations.
