



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Tenth meeting

The Hague

11 June 2018

Agenda and decisions

The meeting was chaired by the President, H.E. O-Gon Kwon.

1. Interpretation for Bureau meetings

The Bureau had before it the Registrar's 8 May 2018 letter addressed to the President concerning interpretation services for meetings of the Bureau. The President recalled that at the 4 June meeting, some Bureau members had stated that while the letter related to budgetary issues on the provision of interpretation, there was a question of principle to be considered regarding the Rules of Procedure of the Assembly ("Rules of Procedure").¹

The Registrar indicated that he had, in his letter, set out some of the costs related to interpretation but had also stated that, with some planning between the Secretariat and the Registry during 2018, the Registry would be able to provide English/French interpretation by redeploying resources when they were not needed in the courtroom. This informal arrangement was based on English and French being the working languages of the Court, and was possible due to the flexibility this year in the Court's interpretation teams.

He indicated that the Court did not have interpretation services into Spanish and that the Registry was not in a position to provide interpretation into Arabic and Spanish, but could continue the informal arrangement for English/French in 2018. The Registrar intended to reduce the resources for interpretation in the Registry's 2019 budget given the reduced need foreseen for courtroom interpretation. In this respect, he noted that, if approved by the Bureau/Assembly, interpretation for Bureau meetings into the four languages should be clearly represented in a budget line, which should ideally be in the Secretariat's budget. The Registrar undertook to obtain information on the cost of interpretation into all four languages.

In commenting on the issue, some States noted that in other international organizations, it was the practice to have interpretation into the working languages of that organization. Further, rule 38 of the Rules of Procedure related to a matter of principle, i.e. interpretation was imperative as it was enshrined in the Assembly's own texts; the implementation of this principle should, therefore, not vary on the basis of budgetary resources. It was noted that these legal texts were already in force but the Bureau had never called for their rigorous application. The Bureau was encouraged to be pragmatic without violating that fundamental principle.

With respect to other languages, it was noted that Spanish was one of the six languages included in rule 38 and implementation should also relate to this language.

¹ Rules 38 and 39 entitled, respectively, "Official and working languages" and "Interpretation".

As regards how the Bureau may proceed, it was posited that the Bureau should discuss not what should be done, but how it was to be done.

In response to the request that the Court ensure that the rules on the linguistic regime were complied with, the Registrar clarified that the decision on interpretation for meetings of the Assembly and its subsidiary bodies was for the Assembly, not the Registry, and noted that the Assembly's own Rules of Procedure had been cited as the basis for the requests to the Registry for interpretation. While he could not take the decision on interpretation, he was willing to provide information to the Bureau on interpretation costs.

In response to a query on the application of the Court's linguistic regime to Bureau meetings in New York also, the Registrar recalled that his 8 May letter related to interpretation for the Bureau in The Hague, and indicated that the Registry did not have interpretation teams in New York.

As regards interpretation costs, English/French interpretation could be provided in 2018 without additional costs but the Registrar would need a formal basis to proceed in the future.

The President noted that rule 38 related to six languages and stated that it was regrettable that it had not been implemented before. In light of the discussion, he requested the Registrar and the Director of the Secretariat to jointly provide a concrete assessment of the cost of providing interpretation into Arabic, English, French and Spanish for Bureau meetings in 2019. It would then be for the Assembly to decide on interpretation for Bureau meetings in 2019.

The Registrar requested that, should the decision be taken to provide interpretation in 2019, the cost should be clearly identified in the 2019 budget, preferably in the budget of the Secretariat.

The President would discuss the issue of interpretation for Bureau meetings in New York at the next Bureau meeting which would be held in New York in early July.

2. Issues arising from confidential matters

The Bureau continued its consideration of confidential matters of concern to the Bureau and the Court.

3. Assessment of the Secretariat

The Bureau continued its discussion of this item. The President noted that the *ReVision* report² addressed some points directly to the President which he intended to address. In this connection, there was a discussion about the possible role which the Registrar could have via making observations on some of the recommendations contained in the *ReVision* report, which the President could request on an informal basis from the Registrar.

While some Bureau members expressed surprise as to the origin and the late circulation of the *ReVision* report, other members questioned its legitimacy and affirmed that the process of assessment belonged to the Bureau alone. Some Bureau members noted that having checks and balances was standard practice in any organization and that such an exercise could only benefit the quality of the Secretariat's work and would help in the proper fulfilment of its mandate.

Furthermore, some Bureau members stated that the topic had already been discussed at length and that methodology to address it should be agreed upon sooner rather than later.

As regards the next steps, President Kwon indicated that Ambassadors Mlynar and Horslund would each be working as a de-facto facilitator in New York and The Hague, respectively, to gather information from States Parties and then the matter would be discussed at the Bureau level.

As the issue of the Secretariat as an independent body from the Court was raised, the President responded that the Secretariat and Registry were separate and independent yet interrelated entities.

² ICC-ASP/16/INF.3.

In relation to the proposal of the President that the Bureau request the Registrar to provide his observations on the Secretariat assessment, some Bureau members expressed reservations on the grounds that the Secretariat should be independent of the Registry. The President then announced that he would seek, on an informal basis, consultations with the Registrar on the issue and share the information, if necessary, with Bureau members with the permission of the Registrar.

The President also noted that the agenda item would continue to be discussed at the next Bureau meeting in mid-July and that he would present an outline of the methodology narrowing down the issues to be addressed before the end of July for the consideration of the Bureau.

The Coordinator of The Hague Working Group indicated that he intended to circulate a questionnaire to The Hague-based delegations which would focus on the core functions of the Secretariat, with a positive and forward-looking approach, stressing what kind of output was expected from the Secretariat.

4. Other matters

a) Quito seminar for South America

The President briefed the Bureau on the seminar for South American countries held in Quito on 7-8 June 2018 which he had attended, along with President of the Court, Judge Chile Eboe-Osuji, and the Registrar, Mr. Peter Lewis. The seminar examined the challenges faced by the Rome Statute system with a special focus on the topic of cooperation with the Court. The meeting adopted the Quito Declaration. He expressed his gratitude to the Government of Ecuador, Foreign Minister Maria Fernanda Espinosa, and Ambassador Fernando Bucheli (Ecuador) for their initiative in organizing the seminar, as well as to the European Commission, which had provided financial support, and to Court officials for their role in organizing the visit and the different workshops and bilateral meetings.

The President had invited H.E. Ms. Maria Fernanda Espinosa to participate in the seventeenth session of the Assembly of States Parties as a keynote speaker, in her capacity as President of the United Nations General Assembly, a role she will assume as of 18 September 2018. She had indicated her willingness to participate.

b) 20th anniversary events

Mexico informed the Bureau that, to mark the 20th anniversary of the Rome Statute, it would hold the following events in Mexico:

- A series of six courses for training judges in the different regions of Mexico, for the purpose of promoting the obligations of judges derived from the Rome Statute.
- A specialized course for Mexican judges and prosecutors with the title “International Criminal Law and the Mexican Legal System”, jointly organized with the Hague Academy of International Law. It would be held in late September or early October 2018.
- A radio broadcast devoted to the 20th anniversary of the Rome Statute, including an interview with the Mexican Diplomatic Academy, Institute “Matias Romero”.

The next meetings of the Bureau would be held in New York in early July, and a further meeting in The Hague around the 20th anniversary events, on 16 July.

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