



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Twelfth meeting

The Hague

16 July 2018

Agenda and decisions

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

The President expressed his appreciation to the Registrar for making interpretation into French and English available for the meeting, and also thanked the staff of the Language Services Section.

1. Independent Oversight Mechanism: Recruitment panel update

The Bureau had before it the confidential report of the Recruitment Panel for the Head of the Independent Oversight Mechanism (IOM), dated 11 July 2018. The Bureau had the benefit of the presence of the Chair of the Panel, Amb. Sergio Ugalde (Costa Rica), and the members of the Panel.¹ The Bureau expressed its appreciation to the Panel members for their extensive work.

The Bureau adopted the recommendations contained in the Panel's report. Uganda expressed concerns about the process followed and asked that its statement be formally placed on the record (annex).

The Bureau noted that the Panel had recommended that the Human Resources Section (HRS) carry out any future recruitment process for the Head of the IOM. Amb. Ugalde clarified that this recommendation was not intended to change the role of the Bureau. The Bureau would still need to take the final decision, and diplomatic representatives could still be involved, but it might be more straightforward and efficient if HRS carried out the process under the guidance and supervision of the Bureau.

In response to a question about geographical representation, Amb. Ugalde noted that while there were 121 applicants, only 38 applicants fulfilled the basic requirements, and a great deal of those 38 were from the same regional group. Amb. Ugalde noted that there were many options for promoting future applications from all regions of the world, including the use of internships and regional engagement activities. The point was also made that in the future it might be appropriate to pay greater attention to the issue of gender balance.

¹ The Panel comprised the following: Ambassador Sergio Ugalde (Costa Rica), Chair; Ambassador Adia Sakiqi (Albania), Alternate Chair; Ambassador Irene Kasyanju (United Republic of Tanzania); Ambassador Sheikh Mohammed Belal (Bangladesh); and Ambassador Martin Sorby (Norway).

2. Independent Oversight Mechanism: Quarterly report

The Bureau took note of the “Quarterly activity report to the Bureau: April to June 2018”, submitted in accordance with resolution ICC-ASP/12/Res.6 and introduced by the Acting Head of the IOM, Ms. Judit Jankovic.

In response to a question regarding the reason funds had been drawn from IOM’s budget for the recruitment of the new Head, Ms. Jankovic clarified that it was standard practice for the relevant office to cover the costs of any recruitment undertaken.

The point was made once more that the Bureau would benefit from a more detailed activity report in future. As regards the confidentiality of IOM reports on the outcomes of investigations, it was noted that this subject would be considered further in the context of the review of the operational mandate of the IOM which was taking place in The Hague Working Group.² The point was made that there was a lack of clarity in the mandate regarding this issue.

3. Twentieth anniversary of the adoption of the Rome Statute

The President noted the events planned in The Hague and New York on 16 and 17 July to mark the twentieth anniversary of the adoption of the Rome Statute, and expressed appreciation to those involved in the organization of these events.

As regards other commemorative events, Japan informed the Bureau that it would host the Asian-African Legal Consultative Organization annual meeting in October 2018, and that the meeting would include a special segment to commemorate the anniversary of the Rome Statute. The President indicated his intention to attend that meeting.

Uganda advised that Africa Legal Aid (AFLA) had held a conference in Uganda for Central and Eastern Africa with a focus on emerging trends in complementarity. The next conference on the same topic would most likely be for the West African region in the last quarter of 2018.

Ecuador recalled that a regional seminar with a special focus on cooperation had been held in Quito, with participation by 60 representatives of States from South America.³

The President advised that the biennial conference of the Korean Society of Law would take place in October 2018 and would include a special session on the crime of aggression.

4. Issues arising from confidential matters

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

5. Interpretation for Bureau meetings

The President briefed the Bureau on the discussions which had taken place at the eleventh meeting of the Bureau on 9 July regarding interpretation for Bureau meetings in New York. The Bureau had before it a paper, prepared jointly by the Registry and the Secretariat, entitled “Understanding on the

² Pursuant to ICC-ASP/16/Res.6, annex I, para 15.

³ <https://www.icc-cpi.int/news/Pages/event.aspx?event=180607-seminar-ecuador>.

provision of interpretation services to the Bureau and other subsidiary bodies of the ASP”, dated 11 July 2018. The President noted that the estimates in the document related to interpretation only, and did not include translation of documentation.

Some Bureau members emphasized that the issue of interpretation was not a budgetary one, but rather a matter of principle, and that the Bureau should fully implement the provisions of the Rome Statute. At the same time, the point was made that the Bureau should take a pragmatic approach to the issue.

The Registrar noted that, based on the proposed budget for 2019 which he would submit later that week, provided there was adequate coordination in the planning of meetings, it would be possible for the Registry to provide English/French interpretation within the proposed budget. He noted, however, that extending the interpretation services to include Arabic and Spanish would involve additional costs, as the Registry did not currently have capacity in those languages.

From the beginning of 2019 interpretation in English, French and Spanish will be provided during Bureau meetings in The Hague, in conformity with the Rules of Procedure of the Assembly and its subsidiary bodies. The Bureau requested that the cost for providing this interpretation be included in the proposed programme budget for 2019 in Major Programme IV.⁴ The programme budget implications of providing interpretation will be considered by The Hague Working Group facilitation on the budget.

6. Election of the next Prosecutor of the International Criminal Court

The President invited Bureau members to begin considering the process that could be followed in relation to the election of the next Prosecutor of the International Criminal Court, to be held at the nineteenth session of the Assembly.⁵ In response to a question, the President noted that he was considering proposing the establishment of a Search Committee for this purpose.

7. Other matters

Due to time constraints the President indicated that the additional items on the agenda would be discussed at a future meeting of the Bureau. He advised that, as a decision had already been taken regarding the IOM recruitment, there was no need to convene the Bureau meeting scheduled for 18 July. The next Bureau meeting would most likely take place in The Hague in early September.

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⁴ See ICC-ASP/17/10, para. 646.

⁵ Information about the prior process is contained in documents ICC-ASP/10/INF.2, ICC-ASP/10/INF.2/Add.1, and ICC-ASP/12/58.

Annex

Observations of the Uganda government on the recruitment process of the Head of IOM – Bureau meeting on 16 July 2018

While Uganda has not gone against the consensus that emerged this morning and abides by the decision regarding the process of selecting the Head, IOM, which has just been concluded, we would like to express our concerns about the process and request that this statement is formally placed on the record.

1. At its meeting of 18 February 2018, the Bureau approved the terms of reference to be followed for selecting the Head IOM, namely; using a vacancy announcement that had been previously approved and was identical to the one used in 2014.
2. One of the key factors was that the short listing would be done based on the requirements as stated in the vacancy announcement and not the job family as had been proposed by the HRS.
3. During the briefing on the progress of the recruitment process at the Bureau meeting of 22 May 2018, it became apparent that the experts who had been assisting the HRS were insistent on using the “Job family” criteria, thus only considering applicants with “Inspection & Auditing” backgrounds only. Those experts chose to cease their involvement unless the Bureau accepted using the job family criteria. It was decided that new experts would be sought and the recruitment Panel would be involved in the short-listing.
4. It therefore comes to the Ugandan delegation, as a shock that a candidate who had been recommended for recruitment as the second favourite in 2014 who was even placed on the roster, against an identical vacancy announcement can with prejudice be considered not suitable to be shortlisted in 2018.
5. There is no logic, reason or any justification that can be given to justify not having availed a candidate who was described in the previous recruitment report as excellent, an opportunity to compete for a position which she previously was recommended for recruitment.
6. The Ugandan government takes exception to this process and protests in the strongest terms possible the injustice and unfair treatment that this candidate has been subjected to.
7. It is very disturbing to note that the only reason the process was repeated was to have a Head of IOM after a process beyond reproach but regrettably, we have been left with more questions than answers. Why did the HRS/Recruitment Panel deviate from the terms that were agreed upon? How could a candidate who was recommended for recruitment fail to meet the requirements for short listing for an identical position? It is our considered opinion that the refusal to consider this previously highly recommended candidate renders the process flawed and casts a shadow of lack of transparency on the process.
8. There is only one conclusion that can be drawn, which is that, the process was flawed and the candidates we may end up with are not necessarily the best.
9. We shall be left with a very crucial question: Why did HRS deviate from the process the Bureau agreed upon?
10. Africans and women have been disproportionately unrepresented in high positions at the Court and by blocking the participation of an experienced candidate, this Bureau has indirectly contributed to that unfortunate legacy.