



## BUREAU OF THE ASSEMBLY OF STATES PARTIES

### Fifteenth meeting

### New York

22 October 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 Legal Advisers from the capitals for their presence and support, and to the Permanent Mission of the Republic of Korea for hosting the meeting and providing lunch.

#### **1. Election of the next Prosecutor of the International Criminal Court**

The President explained to the Bureau the selection process leading to the election of the current Prosecutor in 2011 and an evaluation of the process undertaken via a New York-based facilitation that included divergent views on the work of the Search Committee.<sup>1</sup> The President also recalled the initial discussion on this topic at the fourteenth meeting of the Bureau emphasizing advance preparations and drew Bureau members' attention to the informal note, dated 18 September 2018, prepared by the Secretariat outlining relevant key questions in this regard.

The Bureau held a discussion on some of those key questions, including the preference to have a Search Committee, the need to make improvements to the 2011 model, in particular regarding clear and detailed terms of reference for the Search Committee and the timelines of the different phases of the process, as well as the need for transparent and regular briefings to all States Parties. The need for an early start to the Search Committee process was high-lighted, so that States Parties could have the announcement of the short-listed candidates at least three months before the election, so as to have a possibility to engage with those candidates. Different views were expressed on the composition of the Search Committee, which could be a State-driven process, with for example five members, or with up to ten members, that could include some technical experts; some were of the view that the experts should have an advisory role only.

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<sup>1</sup> [https://asp.icc-cpi.int/en\\_menus/asp/elections/prosecutor/Pages/prosecutor.aspx](https://asp.icc-cpi.int/en_menus/asp/elections/prosecutor/Pages/prosecutor.aspx)

The President of the Assembly proposed that he should be entrusted with composing the Search Committee, in consultation with the regional groups. Five members, one from each regional group, could be identified after consulting each group, with the final decision to be made by the Bureau.

In terms of timing, the President proposed to have the process approved by the Assembly at its eighteenth session and that the Search Committee then begin its work immediately thereafter with the aim of having a consensus candidate for the nineteenth session of the Assembly in November/December 2020.

The President requested the coordinators of the Working Groups in New York and The Hague to consult States Parties on the preferred composition of the Search Committee, as well as how the members of this Committee should be appointed.

## **2. Preparations for the seventeenth session of the Assembly**

### **a) Programme of work**

The Bureau approved a revised draft of the programme of work, dated 22 October 2018, which is available on the Assembly's website.<sup>2</sup> As regards the agenda item submitted by the State of Palestine entitled, "Addressing the threats directed at the International Criminal Court, its Judges and States Parties cooperating with the Court", the date and time for its consideration at the seventeenth session, as well as the modality and possible outcome of discussions would be considered at a subsequent meeting of the Bureau.

### **b) Guidelines for the preparation and conduct of sessions of the Assembly**

The Bureau considered the draft "Guidelines for the preparation and conduct of the sessions of the Assembly," dated 15 October 2018, which had been prepared by the Secretariat with a view to streamline and enhance the efficiency of the Assembly sessions and decided that at its 15 November meeting it could consider and adopt the Guidelines.

### **c) Elections: Advisory Committee on Nominations of Judges**

The President recalled that the election will take place at the seventeenth session of the Assembly and that although there were nine seats, only eight candidates had been nominated at the end of the third extension of the nomination period.

The President requested that the Coordinator of the New York Working Group to try to identify by 26 October 2018 the five members of the Bureau which could compose the working group of the Bureau based in New York entrusted with preparing a recommendation on the eight candidates for consideration by the Bureau and subsequently the Assembly.

## **3. Amendments to the Rules of Procedure of the Assembly of States Parties**

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<sup>2</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP17/ASP17.provworkprog.22oct18.1155.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ASP17.provworkprog.22oct18.1155.pdf)

The Bureau considered a proposed amendment to the Rules of Procedure of the Assembly, dated 15 October 2018, which would allow for an interim election of a Vice-President by the Bureau, in cases when a vacancy would arise during the inter-sessional period.

The Bureau decided to submit the proposal for consideration by the Assembly.

#### **4. Other matters**

##### **a) Status of contributions**

The President informed the Bureau of the status of contributions to the budget of the International Criminal Court, and the significant risk of a liquidity shortfall of approximately € 6.4 million in December 2018. He urged all States Parties to pay their assessed contributions in full and on time, so that the Court is able to exercise its mandate.

##### **b) Independent Oversight Mechanism Quarterly Activity Report: July to September 2018**

The Bureau took note of the third quarterly activity report of the Independent Oversight Mechanism.

##### **c) Assessment of the Secretariat of the Assembly**

The President indicated that he needed to undertake some further consultations on the topic and proposed to discuss it at the sixteenth meeting of the Bureau.

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