



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Eleventh meeting

30 November 2023

(via remote link)

Agenda and decisions

The meeting was chaired by the President, Ms. Silvia Fernández de Gurmendi. Vice-Presidents Ambassador Robert Rae (Canada) and Ambassador Kateřina Sequensová (Czech Republic) also participated.

1. Review Mechanism: update

A State Party representative on the Review Mechanism, Ambassador Paul van den IJssel (The Netherlands), briefed the Bureau on the latest developments on the work of the Mechanism. The Mechanism had finished the assessment of the recommendations which it had allocated to itself as the platform for discussion. There were a few recommendations pending for assessment by the facilitations; where possible the Review Mechanism was facilitating in order to have them assessed before the twenty-second session of the Assembly. The final assessments of those recommendations would be included in the Matrix, where possible.

The Review Mechanism held a meeting on the “Future of the Review Mechanism” on 13 November where States Parties commented on the options contained in a paper titled “Future of the Review Mechanism”, prepared by the Review Mechanism, dated 6 October 2023. The Mechanism took note of the views expressed. This issue was not yet concluded, and the Mechanism planned to hold a plenary discussion at the twenty-second session, on Wednesday, 13 December. There would also be informal consultations of the Review Mechanism on the preceding Friday, 8 December, focused on the draft resolution on the Review Mechanism. The Mechanism would hear all views in order to make a recommendation to the Assembly on the future of the Mechanism. The Mechanism invited all States to approach the Mechanism on that topic, and any other issue on its agenda.

On 22 November, the Review Mechanism held its fourth meeting on “Tenure”, where the Court introduced its updated proposals for amendment to the Staff Rules and Regulations in relation to the tenure policy. The Court also introduced its response, which had been requested by the Bureau, to the “Non-Paper on Concurrent Amendments to the Staff Rules and Regulations in Relation to Geographical Representation and Gender Balance (GRGB) and the Introduction of Tenure Policy at the International Criminal Court (ICC)” - October 2023”, which had been submitted by Kenya on behalf of the African group.

The Review Mechanism recalled that it had held two meetings in 2022 on R105 (Tenure), on 28 February and 27 June. At those meetings, recommendation R105 had been positively assessed by the Court and by States Parties. In resolution ICC-ASP/21/Res.4 (paragraph 9), the Assembly had endorsed by consensus the positive assessment of R105. The Assembly had also invited the Court through the Registry, in close consultation with the Bureau, to develop a detailed proposal for the tenure

policy for approval by the Assembly at its twenty-second session and its introduction as of 1 January 2024.

The Mechanism also recalled that the previous Registrar, Mr. Peter Lewis, addressed the Bureau at its 14 February and 10 March meetings, and presented the detailed proposal for a tenure policy which the Assembly had requested. He also briefed the meetings of The Hague Working Group and the New York Working Group on how the Registry intended to proceed pursuant to the mandate of the Assembly resolution. At the 10 March 2023 meeting of the Bureau, the President proposed that the Court immediately begin the internal work needed in order to implement the tenure policy.

The Mechanism noted that in the meetings of the working groups that followed, some States had linked the issue of “Geographical representation and gender balance” (GRGB) to the issue of Tenure. Therefore, on 29 September, the Review Mechanism held a meeting on Tenure, which gave the opportunity for the current Registrar, Mr. Osvaldo Zavala Giler, to brief the meeting on the steps that the Court had taken to implement the Assembly mandate. The meeting also gave the opportunity to different States Parties and other stakeholders to express their views on Tenure. That meeting was not meant to draw conclusions, but the Review Mechanism had shared the views discussed with the President of the Assembly. As a consequence, the President had asked the Review Mechanism to facilitate another meeting to discuss the way forward, which was held on 22 November. At that meeting, different views were expressed and there was no final outcome, although some areas of agreement seemed to be emerging.

The Review Mechanism planned to hold informal consultations on the way forward regarding tenure on Monday, 11 December. The Mechanism was in the process of drafting a stand-alone resolution on Tenure, and the draft would be circulated as soon as possible.

The African Group member states in the Bureau shared a statement lamenting the lack of engagement on this topic and calling for a review of the Bureau’s decision to roll out a tenure policy in January 2024 to January 2025 to allow for further and more meaningful discussions. The point was made that lack of engagement should not be construed as a lack of agreement and that some delegations were ready to agree on the presented policy this year.

The Bureau took note of the views expressed and the Secretariat was requested to prepare a paper with the chronology of the discussions on the Tenure Policy for the Review Mechanism to use during its consultations.¹

2. Annual report of the Independent Oversight Mechanism

The Head of the IOM, Mr. Saklaine Hedaraly, stated that, as indicated in the report, the IOM continued to be very busy during the reporting period, including helping with policy matters, as well as with its operational work. Internally, the IOM was working with the Court on a new Presidential Directive on a whistleblowing and anti-retaliation policy which was in its final stages and which it was hoped the ICC President would issue before the next Presidency.

The workload of the IOM remained extremely high, especially its investigative work. The IOM continued to be pressed for resources and the IOM Head hoped that the Assembly would be supportive of the IOM’s proposed budget for 2024. An issue that would have budgetary implications in the future was the permanent due diligence process, which he hoped would be adopted at the upcoming session of the Assembly. He recalled that the work on due diligence for the 2023 judicial candidates had had budgetary implications, including contacting more than 100 individuals.

The IOM Head noted that the facilitation on the work and operational mandate of the IOM was reviewing the related IER recommendations, one of which was outstanding and related to the process

¹ The requested chronology is added as annex to this report.

of discipline of elected officials. The IOM noted that the issue of investigations relating to allegations against elected officials raised questions of how such allegations should be handled.

In commenting, States noted the important role played by the IOM.

In response to a query relating to workplace culture, in particular how the IOM Head saw specific trends or developments in that regard, the IOM Head noted that there was unmistakably an issue regarding workplace culture in the Court. There were various causes, and it was difficult to zero in on specific causes. The Court had made some efforts to improve the situation.²

The fact that two-thirds of the IOM workload related to harassment, abuse of authority and sexual harassment in itself was indicative of a problem.

He noted that the answer was not necessarily more investigations, but there was a need to look at root causes. He noted that this had been done partly when the IOM did an evaluation of the judiciary in 2022 and identified a need for more comprehensive reflections in many sectors, including recruitment, training, managerial competencies and skills.

In the discussions on the permanent due diligence process, the IOM had indicated that it was not only through the IOM process that States Parties would ensure that the individuals that were elected had the skills and competence to be able to address these issues. It was necessary to make sure that the process of recruitment and election was strengthened. He noted that this issue was part of a larger discussion that would need to be discussed in a facilitation, which would discuss with Court officials and Human Resources.

Finally, he noted that it was an issue that was perhaps unique to the Court, given its governance structure which sometimes made it more complicated.

A representative of a State Party thanked the Head of the IOM for his guidance, support, advice and work over past few years. Delegations had benefited from his advice in the different due diligence processes and leading up to the permanent due diligence process. It was noted that this support by the IOM was in addition to its very busy workload.

The President also expressed her appreciation to the Head of the IOM. She had been in direct contact with the him throughout her mandate and had sought his advice and support on many issues, including the new due diligence process. She also noted that this was in addition to his regular mandate. Much of the progress made would not have been possible without his personal involvement and that of his office. He had helped States design and apply a process that was indeed an innovation, which did not exist in other international organizations in that form.

A co-facilitator for the permanent due diligence process from Ecuador, also on behalf of his co-facilitator from Chile, thanked the Head of the IOM for his support and advice, his professionalism and constant engagement over the past six months during their work.

3. Recruitment of the Head of the IOM: update

Further to the 31 October 2023 decision of the Bureau on the Terms of Reference and criteria for the recruitment panel for the Head of the IOM, the facilitator, Mr. Edward Haxton (United Kingdom of Great Britain and Northern Ireland), informed the Bureau that the Registry had finalized a list of candidates for the recruitment panel which would be submitted to the Bureau for its consideration as soon as possible. The Registry had not received sufficient expressions of interest to provide a list of ten candidates, but the list did contain one candidate from each of the regional groups, and a balance of

² For example, the 2022 adoption of a series of administrative instructions on harassment, disciplinary procedures etc.

female and male candidates. The President thanked the facilitator and noted that the Bureau would return to the matter at its next meeting.

4. Composition of the Committee on Budget and Finance: update

The facilitator on the composition of the Committee on Budget and Finance (the “Committee”), Ms. Shahanara Monica (Bangladesh), updated the Bureau on the status of the informal consultations. Since her briefing to the Bureau on 1 November 2023, the facilitation had held two meetings, one virtually with Bureau members on 15 November 2023 where it was suggested to open the discussion to the wider membership of the Assembly, and a second in-person meeting on 27 November 2023 open to States, the Court and NGOs. During the meeting held on 27 November 2023, delegations recognized the need to review the Committee and to make it more effective. Concerning the allocation of seats, during the meeting there had been agreement to focus on two of the four options presented by the facilitator in a non-paper on the options for the allocation of seats in the Committee dated 29 September 2023, both of which considered the expansion of the Committee.

A view was expressed that all options presented by the facilitator, and possibly other options that might arise, should continue to be considered. A Bureau member recalled the facilitation on the topic held during the twenty-first session of the Assembly and provided additional background to the discussions at hand.

Ms. Monica informed the Bureau that, as requested by delegations, a paper provided by the Secretariat with the financial implications of the expansion of the Committee to 16 and 17 seats had been circulated, and informal consultations were scheduled for 30 November 2023.

The President encouraged the facilitator to continue consultations, bearing in mind the Assembly’s request to the Bureau “in consultation with States Parties, to discuss the allocation of seats in the Committee of Budget and Finance and to submit a report on its discussions by the twenty-second session of the Assembly”. In the case consultations needed to continue during the Assembly, she encouraged the facilitator to take advantage of the presence of representatives of all States Parties at the Assembly session and to keep the Bureau updated on her consultations.

5. Recruitment of the Director of the Secretariat of the Assembly: Consideration of modalities of recruitment

The Bureau had before it a draft decision on the recruitment of the Director of the Secretariat, dated 3 November 2023, which had been prepared by the President on the basis of the decision adopted for the IOM recruitment, with adjustments to reflect the different nature of the role. The Bureau had also received a compilation of written comments on the draft decision, which had been circulated on 22 November. The Bureau members who had submitted comments presented their views.

The point was made that the process should be fit-for-purpose, efficient, and fair. A view was expressed that it was important to provide flexibility, and that any recommendations presented by the recruitment panel should not be binding on the Bureau. Participation by a representative of each region was also important. The point was made that the roles of Head of the IOM and Director of the Secretariat were quite different, and this should be taken into account. In response to a query, the President confirmed her understanding that officers actively serving in a Ministry of Foreign Affairs would meet the eligibility requirements for the recruitment panel.

The President indicated that she would prepare a revised draft decision, taking into account the views expressed to the extent possible, for further consideration by the Bureau.

The President recalled the concerns raised about a potential gap in the position of Director. She informed the Bureau that the current Director, who had elected not to take up his entitlement to a further

contract of five years in accordance with the staff rules of the Court, had agreed to an extension of his contract until 31 August 2024 in order to reduce the gap in this important role.

6. Preparations for the twenty-second session of the Assembly

a) Programme of work

The Bureau approved the updated programme of work for the twenty-second session, dated 27 November 2023, on the understanding that it would be updated in the coming weeks before the Assembly session, and that it was also subject to modification during the session itself, to take into consideration any developments and needs which may arise.

b) Credentials Committee

The President reminded Bureau members that the Credentials Committee would be appointed by the Assembly³ at the beginning of the session, and that the Committee would meet at the end of the first plenary session on 4 December. She noted that no candidates had been submitted, and once more requested Bureau members to consult within their regional groups and to inform the Secretariat of the nominated States as soon as possible.

c) Nomination of national tellers for elections

As regards the nomination of five national tellers for the elections to be held during the twenty-second session, on the basis of nominations from the respective regional groups, the Bureau decided to recommend that the Assembly appoint the following representatives as national tellers:

- African Group: Ms. Horokia Tialagnon Mockey Née Coulibaly (Côte d'Ivoire)
- Eastern European group: Ms. Melinda Vittay (Hungary)
- Western European and others Group: Ms. Elizabeth Tudor-Beziés (Canada)

The President encouraged Bureau members from those regional groups which had not submitted a nomination to consult in order to identify their candidates as soon as possible.

The President reminded States Parties that the Secretariat had scheduled a mock ballot, which would be held on Friday, 1 December 2023, at United Nations Headquarters in Conference Room 4, from 13:15 to 14:30 hours. The mock ballot would also be the occasion for the national tellers to prepare for their role. She encouraged all States Parties to attend since this exercise had, in the past, proved useful in assisting delegations with the election procedure and in providing clarifications where necessary. In this regard, document ICC-ASP/22/3/Rev.1 (Guide to the eighth election) was relevant.

Campaign materials during the Assembly of States Parties

The President informed the Bureau that campaign materials may be distributed in the conference room of the Assembly during the Assembly's first plenary meeting on Monday, 4 December 2023, from 10:00 to 13:00 hours only. Campaign materials would not be permitted in the conference room once the elections had started at the second plenary meeting, which would begin at 15:00 hours on 4 December 2023. Following practice at the United Nations, campaign materials shall be limited to a single page of information regarding the candidates, with a view to preserving the decorum of the Assembly.⁴

³ Pursuant to rule 25 of the Rules of Procedure of the Assembly of States Parties.

⁴ A/RES/71/323, para. 48.

d) Nomination of a Rapporteur for the twenty-second session

Further to a nomination from the African Group, the Bureau agreed to recommend that the Assembly appoint Mr. Abdou Ndoye (Senegal) as the Rapporteur for the twenty-second session.

7. Bureau for the twenty-third to twenty-fifth sessions of the Assembly

a) Members of the Bureau

The Bureau decided to recommend, on the basis of nominations by the respective regional groups, that the Assembly elect the following members of the Bureau for the twenty-third to twenty-fifth sessions of the Assembly:

- African Group: Kenya, Senegal, Sierra Leone, South Africa and Uganda;
- Asia-Pacific Group: Cyprus, Japan, and Republic of Korea;
- Eastern European Group: Bosnia and Herzegovina, Latvia, Poland, and Slovenia; and
- Group of Latin American and Caribbean States: Bolivia, Brazil, Chile and Ecuador.

8. Oral report of the Bureau

The Bureau had before it the draft oral report of the Bureau, dated 28 November, which the President would deliver in an abridged form during the opening plenary meeting of the twenty-second session. The full version would be reflected in the official records of the session. The Bureau approved the draft oral report, subject to small updates which would be made to reflect the developments from the eleventh meeting.

A view was expressed that the limited discussion on the composition of the Bureau in 2023, pursuant to the mandate contained in resolution ICC-ASP/21/Res.2, paragraph 107, had been disappointing. The point was made that discussions on this topic were ongoing in the context of the omnibus facilitation.

9. ASP22 – requests for waivers of loss of voting rights

Further to the decision taken at the tenth meeting on 1 November 2023, the Secretariat had sent formal communications to the 13 States Parties which were ineligible to vote under article 112, paragraph 8 of the Rome Statute.⁵ The communication had indicated, inter alia, the minimum amounts that would need to be paid in order for article 112, paragraph 8, to not be applicable. The communication also indicated that any State Party wishing to request a waiver from the loss of voting rights should submit the request to the Secretariat by the end of 28 November 2023. The communication noted that the Bureau would consider the reasons provided for such requests and make a recommendation to the Assembly thereon.

Accordingly, the Secretariat had received requests for waivers from six States Parties: Comoros, the Republic of Congo, the Democratic Republic of Congo, Gabon, Namibia and Venezuela. The President noted that additional requests might also be submitted and would need to be considered by the Assembly.

Bureau members exchanged views on how best to address the waiver requests which had been received. Based on some of the comments that were made, the President noted that it would be helpful

⁵ Article 112, paragraph 8, of the Rome Statute reads as follows: “A State Party which is in arrears in the payment of its financial contributions towards 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. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party”.

for the Bureau to have clear and objective criteria regarding the submission and consideration of waiver requests.

The Bureau agreed to recommend, in light of the circumstances, that the Assembly grant requests for waivers from the loss of voting rights at the twenty-second session. At the same time, the Bureau recommended that it develop criteria in order to better equip the Assembly and the Bureau to assess such requests in the future, pursuant to article 112, paragraph 8 of the Rome Statute.

10. Other matters

a) Adoption of the reports of the facilitations

The President noted that the Bureau had adopted the following reports under a silence procedure, and that the reports had been issued as official documents of the twenty-second session of the Assembly:

- Report of the Bureau on complementarity, adopted on 24 November 2023 (ICC-ASP/22/28);
- Report of the Bureau on the Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute, adopted on 28 November 2023 (ICC ASP/22/26);
- Report of the Bureau on the establishment of a permanent due diligence procedure for elected officials of the Court, adopted on 28 November 2023 (ICC ASP/22/36);
- Report of the Bureau on the Study Group on Governance, adopted on 29 November 2023 (ICC-ASP/22/7); and
- Report of the Bureau on Legal aid, adopted on 29 November 2023 (ICC-ASP/22/8).

The Bureau proceeded to adopt the following reports, which would be issued as official documents of the twenty-second session of the Assembly:

- Report of the Bureau on the review of the work and the Operational Mandate of the IOM;
- Report of the Bureau on the Budget sub-topics of Budget Management Oversight and Premises; and
- Report of the Bureau on non-cooperation.

The Bureau recalled that the following reports were under a silence procedure until the end of 30 November:

- Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the Court;
- Report of the Bureau on the scheduling of Assembly sessions; and
- Report of the Bureau on the review of the procedure for the nomination and election of judges.

Assuming the silence procedure ended without comments, those reports would be considered adopted and issued as documents of the Assembly.

The Bureau took note that the reports of the Bureau on arrears, the composition of the Committee on Budget and Finance, and cooperation were still outstanding and would be submitted for adoption as soon as they were available.

The President noted that there had been a significant delay in the finalization of reports, which had impacted their adoption and translation. Due to the delay, most, if not all, of the reports of the Bureau for the upcoming session might only be available in English by the time of the Assembly.

b) List of meetings of subsidiary bodies of the Bureau held in private in 2023

Pursuant to the “Understanding on the participation of Observer States in meetings of the Assembly of States Parties”, which the Bureau adopted on 18 October 2017, the Bureau took note of a list of the meetings held in 2023 which were either wholly or partially open to States Parties only.

c) Next meeting of the Bureau

The President advised that the Secretariat would inform Bureau members of the date and time of the next Bureau meeting.

Annex

Chronology of Assembly action on tenure

I. Background: IER recommendation R105

R105 (Tenure): “In order to encourage fresh thinking and bring more dynamism to the Court, a system of tenure should be adopted by the Court, applicable to all positions of P5 and above. The system should stipulate a maximum tenure in position of these levels of somewhere between five and nine years, and should admit, few, if any exceptions. For reasons of procedural fairness, the limitations should not be applied to those occupying these positions currently and would only apply to those newly appointed to the positions. Nonetheless, long serving officers of P5 or director level might be encouraged to retire early to allow the new system to be established as quickly as possible.”⁶

II. Assembly action on Tenure

1. Meetings

1. On 28 February 2022, the Review Mechanism held a meeting on the assessment of R105 (Tenure).
2. On 27 June 2022, the Review Mechanism held a second meeting on the assessment of R105.
3. Recommendation R105 was positively assessed by the Court and by States Parties at these meetings.
4. At ASP21, by resolution ICC-ASP/21/Res.4 (paragraph 9), the Assembly “Endorse[d] the positive assessment of recommendation R105 (Tenure) for which the Review Mechanism served as the platform for assessment, and *invite[d]* the Court through the Registry, in close consultation with the Bureau, to develop a detailed proposal for a tenure policy addressing also the financial implications, for its introduction as of 1 January 2024 for approval by the Assembly at its twenty-second session;”
5. On 14 February 2023, the previous Registrar, Mr. Peter Lewis, presented to the Bureau the detailed proposal for a tenure policy, dated 8 February 2023, which the Assembly had requested.

⁶ [ICC-ASP/19/16, para. 253.](#)

6. On 22 February 2023, the Registrar briefed The Hague Working Group on the detailed proposal for a tenure policy, dated 20 February 2023, which reflected some updates by the Court following the Registrar's briefing to the 14 February meeting of the Bureau and the questions raised at that meeting. He indicated how the Court intended to proceed pursuant to resolution ICC-ASP/21/Res.4.
7. On 24 February 2023, the Registrar briefed the New York Working Group on the detailed proposal for a tenure policy, dated 20 February 2023. He presented the proposal and briefed the New York Working Group on how the Registry intended to proceed pursuant to the mandate of the Assembly resolution.
8. At the 10 March 2023 meeting of the Bureau, "the President proposed that the Court immediately begin the internal work needed in order to implement the tenure policy. The Court should also brief the Bureau and States on its progress, as appropriate. In parallel, States Parties' discussions on the tenure policy should continue and would be fed by progress made by the Court. Further, the President would discuss with the State Party representatives on the Review Mechanism the most appropriate format to continue the discussions. The Bureau agreed with the President's suggested way forward."
9. At the 29 March meeting of The Hague Working Group, the Coordinator briefed the working group on the outcome of the 10 March discussions in the Bureau. The delegation of Kenya made some remarks on behalf of the African group of States Parties, building on a statement made to the Bureau. The group was of the view that the ongoing discussions on a tenure policy had not sufficiently taken into account the issue of equitable geographical representation and gender balance (GRGB), and that this warranted serious reflection before taking further steps towards implementation. The question of GRGB in the context of the Court's recruitment and selection should be discussed in tandem with the tenure policy, to ensure the policy did not present in any way an obstacle. The group therefore requested: a) an updated report from the Court on the geographical distribution of the personnel who would be subject to the proposed tenure policy; b) an assessment of the Staff Rules and Regulations, and the Court's Administrative Instructions, noting the areas that could be amended to positively integrate GRGB issues; and c) additional explanatory information about the recruitment policy and processes used by the Court, with a view to understanding how interview panels are composed, and the considerations and criteria for selection of candidates at P-5 and above. The group also cautioned against a policy which would grant discretion to extend tenure on an exceptional basis, noting that any criteria for extensions would need to uphold GRGB considerations as a minimum requirement, and also considered that any tenure policy should be subject to regular review.
10. At the 20 April meeting of The Hague Working Group, "the Coordinator recalled that the mandate on tenure existed in Assembly resolution ICC-ASP/21/Res.2, and that the work of the Court and of States Parties was progressing. In this context, and mindful of the points raised by the African Group at the 29 March meeting of the working group, she had requested the Court to prepare replies on the issues raised. The working group had received an updated report on GRGB for P5s and D1s at the Court, and some explanatory notes on the recruitment policy and the process for interview panels. Additional information was pending. She noted that the issue of GRGB was being discussed in various fora, and she would consider how to streamline the discussions."
11. At its 18 July meeting, The Hague Working Group had before it a paper, dated 17 July 2023, titled "Court's update in relation to tenure and GRGB". That paper responded to some queries raised by Kenya on behalf of the African Group at the 29 March meeting of the Hague Working Group and was the last of the three documents requested by the African Group.

12. On 29 September, the Review Mechanism held a meeting dedicated to the topic of Tenure (IER recommendation R105). The Registrar informed States of the steps being undertaken by the Court to implement the mandate of Assembly. These related to amendment of the Court’s legal regime, via proposed amendments to the Staff Regulations and Staff Rules, which would be before the Assembly.
13. On 22 November, the Review Mechanism held its fourth meeting on “Tenure”. First, the Court introduced its updated proposals for amendment to the Staff Rules and Regulations in relation to the tenure policy. The Court then introduced its response, which had been requested by the Bureau, to the “Non-Paper on Concurrent Amendments to the Staff Rules and Regulations in Relation to Geographical Representation and Gender Balance (GRGB) and the Introduction of Tenure Policy at the International Criminal Court (ICC)” - October 2023”, which had been submitted by Kenya on behalf of the African group. The Court had submitted this documentation on 10 November 2023.

2. Review Mechanism briefings to the Bureau

The Review Mechanism briefed the following meetings of the Bureau on its meetings on Tenure:

1. On 9 March 2022, the Review Mechanism briefed the Bureau on its 22 February 2022 meeting.
2. On 6 July 2022, the Review Mechanism briefed the Bureau on the 27 June 2022 meeting. The purpose was to continue the assessment of R105, in light of the report of the Committee on Budget and Finance at its May 2022 session. The recommendation was assessed positively by the Court and by States Parties. As the recommendation had been positively assessed by the Court and States Parties, the Review Mechanism decided to recommend to the Registry and the Bureau, in light of the discussion, to prepare a proposal on the principle of implementation of the tenure policy at the Court, for the consideration of States Parties at the twenty-first session. A more detailed proposal, while addressing also the concerns and financial implications of a tenure policy, should be developed for approval by the twenty-second ASP.
3. At the 31 January 2023 meeting of the Bureau, the Review Mechanism recalled the mandate of ICC-ASP/21/Res.4, and noted that the Court has indicated to the Review Mechanism that it was ready to present the detailed proposal to the Bureau. They hoped that the Court would have the opportunity to do so as soon as possible.
4. At the 4 October 2023 meeting, the Review Mechanism briefed the Bureau on the discussions at the 29 September meeting on Tenure.
5. At the 30 November 2023 meeting, the Review Mechanism briefed the Bureau on the 22 November meeting, which was the fourth meeting on “Tenure”. The Court introduced its updated proposals for amendment to the Staff Rules and Regulations in relation to the tenure policy. The Court then introduced its response, which had been requested by the Bureau, to the “Non-Paper on Concurrent Amendments to the Staff Rules and Regulations in Relation to Geographical Representation and Gender Balance (GRGB) and the Introduction of Tenure Policy at the International Criminal Court (ICC)” - October 2023”, which had been submitted by Kenya on behalf of the African group.

* * *