



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Thirteenth meeting**

**13 December 2023**

Agenda and decisions

*The meeting was chaired by the President, Ms. Silvia Fernández de Gurmendi. Vice-President Bob Rae (Canada) participated in the meeting.*

**1. Twenty-second session of the Assembly**

*a) Work programme*

The Bureau decided to modify the work programme of the Assembly, based on the requirements for informal consultations. Immediately following the adjournment of the eighth plenary meeting, to be held on the morning of 13 December, informal consultations on the budget would be held. The Assembly would also hold its ninth plenary at 15:00, which would be followed by informal consultations on the budget.

**2. Adoption of the reports of the facilitations: update**

*Cooperation*

As regards the topic “Cooperation”, Mr. Stéphane Louhaur (France), on behalf of the Coordinators, Ambassador François Alabrune (France) and Ambassador Momar Guèye (Senegal), briefed the Bureau on developments on the topic. The Bureau took note that the draft resolution on cooperation and the draft text on cooperation to be included in the omnibus resolution had been approved via a silence procedure.

The Bureau approved the draft report of the Bureau on cooperation.

*Review Mechanism*

As regards the draft resolutions proposed by the Review Mechanism, the Bureau took note that the draft resolution on the Review of the International Criminal Court and the Rome Statute system had been agreed *ad ref* on 12 December. The draft resolution on the tenure policy was under a silence procedure that would end later that morning.

**3. Recruitment of the Head of the IOM: update**

The Bureau recalled that, at its 7 December meeting, it had agreed to appoint the five members of 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 contacted all the experts, who expected to meet in January to decide on a timeline for the recruitment process. The

President thanked the facilitator for his efforts and noted that the future Bureau would receive updates on the recruitment process.

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

The Coordinator on the composition of the Committee on Budget and Finance, Ms. Mosammat Shahanara Monica (Bangladesh), informed the Bureau that the report on the facilitation had been approved under a silence procedure. The draft resolution on the composition of the Committee on Budget and Finance contained in the report had enjoyed general agreement among States Parties. The draft resolution would see an increase in the membership of the Committee to seventeen,, distributed among the regional groups as follows: African States, four seats; Asia-Pacific States, three seats; Eastern European States, three seats; Group of Latin American and Caribbean States, three seats; and Western European and other States, four seats. Additional criteria would relate to conflicts of interest and term limits for Committee members.

The Bureau approved the draft report of the Bureau on the composition of the Committee on Budget and Finance.

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

The Bureau had before it a revised draft decision on the recruitment of the Director, dated 10 December 2023. The Bureau agreed to adopt the decision (see annex).

The President would proceed to transmit the decision to the Registrar. She noted that the future President and Bureau would follow up on this matter.

#### **6. Other matters**

Bureau members thanked the President for her leadership of the Bureau and the Assembly during the past three years.

The President thanked the members of the Bureau and the facilitators for their cooperation and work. She noted that the Bureau had accomplished much and had adopted many decisions aimed at improving the system.

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## Annex

### BUREAU OF THE ASSEMBLY OF STATES PARTIES

#### Decision on the recruitment of the Director of the Secretariat of the Assembly of States Parties

The Bureau, recalling its decision of 3 October 2023, by which it adopted the vacancy announcement for the position of Director of the Secretariat of the Assembly of States Parties,

Decided:

1. To adopt the Terms of Reference for the recruitment panel for the Director of the Secretariat of the Assembly of States Parties annexed to this decision;
2. That the recruitment panel shall be composed of a balanced mix of female and male experts, representing each of the five geographical groups, appointed by the Bureau from a list of suggested experts submitted by States Parties and the Registrar, that meet the following criteria and are able to serve on a *pro bono* basis:
  - a) extensive relevant work experience (more than 16 years) and expertise at the senior level in the area of diplomacy, international relations, international law, secretariat or registry administration or conference servicing, in a public service organization at the international level, foreign affairs ministry, international court or tribunal, or intergovernmental organization;
  - b) knowledge and understanding of the Rome Statute system;
  - c) management knowledge and experience including managing staff performance and overseeing the administration of an office; and
  - d) fluency in either of the working languages of the Court, English or French, and preferably in both. Knowledge of another official language of the Court is desirable.
3. To invite States Parties to submit names of candidates for the recruitment panel of experts, who meet the criteria set out in paragraph 2, to the Bureau via the Presidency of the Assembly.
4. To request the Registry to assist the Bureau in the search for candidates that meet the criteria set out in paragraph 2, including, in particular, in relation to secretariat or registry administration or conference servicing in a public service organization at the international level, international court or tribunal or intergovernmental organization.

## Appendix

### Terms of reference for the recruitment panel for the Director of the Secretariat of the Assembly of States Parties<sup>1</sup>

#### Mandate

1. The mandate of the recruitment panel (“panel”) shall be to assist the Bureau in its decision-making on the recruitment of the Director of the Secretariat of the Assembly of States Parties at the earliest possible date, in accordance with resolution ICC-ASP/2/Res.3, annex, paragraph 6.<sup>2</sup> The panel would endeavour to assist the Bureau by submitting recommendations. The Bureau would then make the decision on the person to be appointed as Director of the Secretariat.
2. The mandate would be of limited duration and would conclude upon the appointment of the Director of the Secretariat.

#### Composition

3. The panel shall consist of five independent subject-matter experts and shall reflect gender balance and equitable geographical distribution.<sup>3</sup> The Experts shall work independently and shall not receive any instructions in the fulfilment of their tasks from the Registrar, States Parties, or any other parties. The Experts shall avoid any conflict of interest, or being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest.

#### *Selection of members*

4. The members of the panel shall be appointed by the Bureau from a list of suggested experts submitted by States Parties and the Registrar. The panel members shall act on a *pro bono* basis, if possible.

#### Working methods of the panel

##### *Chairperson and Vice-Chairperson*

5. The panel shall elect a Chairperson and a Vice-Chairperson, observing gender balance.

##### *Meetings*

6. The panel shall meet as often as necessary or as required by the Chairperson.

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<sup>1</sup> Insofar as the terms of reference do not provide for a specific circumstance, the Rules of Procedure of the Assembly of States Parties shall apply.

<sup>2</sup> Paragraph 6 provides as follows: The Secretariat shall be directed by the Director of the Secretariat, who will be selected by the Bureau of the Assembly, in consultation with States Parties, on the basis of a competitive procedure, initiated by the Registrar, and thereupon appointed by the Registrar. The Director of the Secretariat shall have a comprehensive knowledge of the purposes, principles and procedures of the International Criminal Court and shall demonstrate that he/she possesses, if possible through experience gained at the international level, broad managerial and administrative skills.”

<sup>3</sup> As a precedent for equitable geographical representation, see the 19 October 2010 decision of the Bureau, by which it adopted the draft decision on the appointment of the Selection Panel to carry out the recruitment procedure for the Head of the Independent Oversight Mechanism, para. 3. ([http://www.icc-cpi.int/iccdocs/asp\\_docs/Bureau/ICC-ASP-2010-Bureau15-D-27Oct2010.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/Bureau/ICC-ASP-2010-Bureau15-D-27Oct2010.pdf)).

### *Communication*

7. The Panel shall convene remotely via technological means of communication as a rule. The panel shall convene in person when carrying out the function of the technical assessment of candidates and its recommendation to the Bureau.

### *Confidentiality*

8. The members of the panel shall ensure the confidentiality of all communications and discussions during the recruitment process.

### *Functions of the panel*

9. The Director of the Secretariat shall be appointed by the Bureau in his/her personal capacity on the basis of his/her relevant qualifications and experience.

10. The functions of the panel shall include the assessment of candidates at each stage of the recruitment process which should be established in advance before each stage to ensure consistency, fairness and transparency.

11. The panel will be facilitated throughout all stages of the recruitment process by an *ex-officio* officer from the Human Resources Section of the Registry.

### *Procedures to be applied by the panel*

#### *a) Consensus*

12. Every effort shall be made to agree on the recommendations to the Bureau by consensus. If consensus cannot be reached, the recommendations shall be adopted by vote of a simple majority of the members present and voting. In the case of a tie, the Chairperson's vote shall be decisive. The phrase "members present and voting" means members present and casting an affirmative or negative vote.

#### *b) Quorum*

13. The presence of an absolute majority of the members constitutes the quorum for adopting the recommendations.

#### *c) Voting rights*

14. Each panel member shall have one vote.

### *Reporting*

15. The evaluation procedure of the panel shall be transparent. The panel shall regularly and in detail brief the Bureau on its activities. The States Parties to the Rome Statute shall be kept informed through the reporting procedures to the Bureau.

### *Replacement of the Chairperson or the Vice-Chairperson*

16. If the Chairperson cannot perform his/her duties, the Vice-Chairperson will occupy the Chairperson position and a new Vice-Chairperson will be appointed amongst the members of the panel, in order to provide continuity in the selection process.

*Interview and evaluation of candidates with the same nationality as a panel member*

17. Where it has been established that a candidate has the same nationality as a member of the panel, that member shall, as of the short-listing stage, recuse himself/herself and shall not participate in the evaluation of that candidate.<sup>4</sup>

*Vacancy on the panel*

18. Where a vacancy arises, including in the circumstances specified in paragraph 17 above, the Bureau shall appoint another member of the Panel, bearing in mind the gender and geographical balance of the panel.

*Recommendations of the panel*

19. Every effort shall also be made to arrive by consensus at the adoption of recommendations for consideration of the Bureau. Once the panel has completed its work, it shall submit to the Bureau a short-list of suitable candidates in the final selection report, which would include information and analysis of a technical character, strictly on the suitability of the candidates. The panel will recommend the most suitable candidate(s) for appointment as Director of the Secretariat in alphabetical order, and recommend to place any other suitable candidates on the Roster for the position.

**Selection process**

**Stages for the selection process**

20.

- a) The stages for the selection process shall chronologically proceed in the following order:
  - (i) Long-listing; then,
  - (ii) Short-listing; then,
  - (iii) Anonymous written exams; then,
  - (iv) Interviews; then,
  - (v) Technical assessment of candidates and recommendation; and finally,
  - (vi) Selection of candidate by the Bureau / Rostering of suitable candidates.
- b) All criteria for each stage, the pertinent questions for the written exam and interviews, the weights of each question vis-à-vis the total score, and the passing score for the written exam must be established prior to each stage of the selection process and shall be objective, comparable and quantifiable.
- c) A detailed outline of the process of each of the stages will be included in the final selection report, which will be shared with the Bureau members on strict condition of confidentiality.

***Long-listing***

21.

- a) The panel shall request the facilitation by the HRS of the Court in its long-listing, which shall be done by criteria on the basis of eligibility requirements set forth in the vacancy announcement.

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<sup>4</sup> ICC-ASP/1/Res.10, annex, para. 4, as amended by resolution ICC -ASP/4/Res.4, annex I: “For the purpose of recruitment, candidates who could be regarded as nationals of more than one State shall be considered nationals of the State in which they ordinarily exercise civil and political rights.”

***Short-listing***

22.

a) The panel shall request the facilitation of the HRS in its short-listing, which shall be done by criteria on the basis of suitability to the post of the Director of the Secretariat based on the candidate's submitted application. The criteria should be objective and related to all requirements as indicated in the vacancy announcement. The panel shall ensure that the candidates in the short-list provided by the HRS meet the mentioned criteria.

b) The purpose of short-listing is to limit the number of candidates to a maximum of 15 candidates. Where the number of long-listed candidates is 15 or less, all candidates shall be allowed to take the written exam.

***Written exam***

23.

a) The panel shall prepare a set of pre-established questions which pertain to the "duties and responsibilities" and "knowledge, skills, abilities" indicated in the vacancy announcement. HRS will facilitate the consolidation of these questions along with the weights attached to each question totalling 100%. The number of questions and their complexity shall determine the weight as agreed by the panel.

b) The questions will remain confidential and unbeknownst to any party or individual except for the panel and representative of HRS until they are given to the candidates during the written exam.

c) The anonymous written exam results will be assessed independently and individually by the members of the panel and consolidated by HRS for final approval by the panel.

***Interviews***

24.

a) The panel shall be facilitated by the representative of the HRS in conducting the interviews.

b) When assessing questions, in line with the principles of competency based interviewing, due regard shall be given to those who provide answers relating to actual experience.

c) Similar to the questions for the written exams, the questions will remain confidential and unbeknownst to any party or individual except for the panel and/or representative of the HRS until the conclusion of all interviews.

***Selection decision***

25.

a) The candidates who are deemed to pass the interviews and have been found suitable shall be presented to the Bureau, along with the ratings, assessment and recommendation as necessary.

b) The final selection for the post of Director of the Secretariat shall be made by the Bureau. Inclusion of candidates, who passed the interviews, into a Roster shall also be decided by the Bureau as applicable.

***Notification and implementation of the decision***

26.

a) HRS shall inform the selected candidate of the selection decision within 7 days after the decision is made in writing by the Bureau.

b) Candidates placed on a Roster shall likewise be informed of such placement within 14 days after the decision is made by the Bureau and that they may be selected for this post, subject to the approval of the Bureau of the selection or if it decides to proceed with another selection procedure, if it becomes available within 2 years from the time the decision in writing is made by the Bureau. Other candidates not selected or not placed on the Roster shall be so informed by HRS within 14 days after the selection decision is made in writing. Applicants eliminated prior to the assessment exercises shall likewise be informed.

c) If the selected candidate fails to take up the functions within the specified time frames for personal reasons or vacates the position within one year, the Bureau may decide to select another candidate from the Roster. It is recommended, due to these circumstances to simply select a candidate who is rostered without going through the cumbersome process of this selection procedure.

d) The on-boarding of the candidate will follow the Court's regular on-boarding process, including security clearance and a medical clearance.

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