



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Eighth meeting**

7 September 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 (Netherlands), briefed the Bureau. On 30 June 2023, the Mechanism had submitted its report on the overall progress of its work,<sup>1</sup> together with the annexed “Matrix-Progress in the assessment of the IER recommendations”. The Matrix was a living document which was updated biennially to reflect the progress in the assessment of the IER recommendations, as well as some implementation. In the first semester, in addition to roundtables on the implementation of recommendations that had been positively assessed, or assessed positively with modifications, the 13 June 2023 meeting had focused on the assessment of remaining recommendations for which the judiciary and Registry had primary responsibility. On behalf of the Review Mechanism, he thanked the facilitators and focal points who had submitted reports and information on their assessment of the relevant recommendations.

The Review Mechanism would circulate its work programme for the second semester shortly. It planned to continue holding roundtables dedicated to the implementation of recommendations that had been positively assessed, or assessed positively with modifications.

As regards the future of the Review Mechanism, this issue had been considered at the 7 December 2022 panel discussion at the twenty-first session of the Assembly,<sup>2</sup> as well as at the commemoration of the twenty-fifth anniversary of the adoption of the Rome Statute on 17 July 2023.<sup>3</sup> The latter event was a panel discussion titled “Strengthening the Rome Statute system: The Review Mechanism and beyond”, in which he had participated as a panellist. He had set out some views on how he saw the future of the review and the Review Mechanism. The event was live-streamed, but the members of the Review Mechanism would meet with States Parties to hear their views on the submissions made at the meeting and, in general, their views on the way forward regarding the future of the Review Mechanism. He invited States and all stakeholders to approach the Mechanism on this point, including in advance of scheduled meetings.

In the second semester, it was the intention of the Review Mechanism to hold, apart from the roundtables, at least one or two rounds of discussions on the future of the Review Mechanism. The idea would be for States Parties to take a decision thereon at the twenty-second session.

<sup>1</sup>In accordance with resolution ICC-ASP/21/Res.4, para. 12.

<sup>2</sup><https://www.youtube.com/watch?v=RF0ZM7AL0w0>

<sup>3</sup><https://www.youtube.com/watch?v=I1ebiKIYw0o> (17:00-17:50).

As per the practice of the Review Mechanism since the inception of its mandate, the Mechanism would continue to consult with States Parties, facilitators, the Court, civil society, and all stakeholders, in the interest of inclusiveness and transparency. It would also continue to regularly brief States Parties and all stakeholders on its work through briefings to the Bureau and its working groups, as well as its reports. The meetings of the Review Mechanism were held virtually, which ensured the greatest possibility for inclusiveness and transparency, whereby all stakeholders could participate in meetings. He invited States Parties and all stakeholders to approach the Mechanism if they wished to raise any issues or had any important messages.

The President thanked Ambassador van den IJssel for his comprehensive briefing and for having participated in the interesting panel discussion on 17 July. She stated that the Assembly continued to support the important work of the Review Mechanism.

## **2. Contract of the Head of the IOM: update**

The President referred to the Bureau's 24 August 2023 decision via a silence procedure (see annex D):

- a) To exceptionally extend the appointment of the current Head of the IOM for a further, final period of 12 months, i.e. until 31 October 2024, and to request the Registrar to facilitate the requisite administrative arrangements for the extension;
- b) To adopt the draft vacancy announcement for the position of the Head of the IOM annexed to the decision, and to request the Court to publish the vacancy announcement as soon as practicable, with a deadline of eight weeks; and
- c) To undertake the recruitment of the Head of the IOM, using the procedure indicated in the decision.

The Registry had informed the Secretariat that it had put in place the administrative arrangements for the exceptional extension of the contract of the Head of the IOM for a period of one year. In addition, the vacancy announcement for this post had been published on 31 August 2023, with a deadline for applications of 26 October 2023. The President encouraged all States Parties to ensure wide dissemination of the vacancy announcement among qualified professionals at the national level, so that the experts would have as wide a pool as possible from which to draw.

The President thanked the facilitator on the Head of the IOM contract extension and recruitment modalities, Mr. Edward Haxton (United Kingdom of Great Britain and Northern Ireland), as well as the delegations that had participated in the consultations, for their efforts to reach an agreed outcome on this important subject.

She noted that the facilitator was continuing consultations with the Registry and with States Parties in relation to the modalities of the recruitment process, including steps towards establishing the panel of five experts that was decided by the Bureau. She thank the facilitator for his continued work in this regard.

The facilitator thanked all Bureau members for their flexibility and constructiveness, and for the support they had provided to him personally, which had enabled the Bureau to continue its practice of consensus.

As regards the next steps, he expected to receive a zero-draft of the Terms of reference from the Court. He noted that the panel would be a panel of experts rather than a panel of Ambassadors. Once he had received the draft Terms of reference, he would hold informal consultations. He hoped he could continue to count on the support of fellow Bureau members, as well as of the Court.

The President invited the facilitator to brief the Bureau at its next meeting on further developments regarding these two topics. She hoped that all relevant decisions for the recruitment process would have

been adopted by the time of the expiration of the vacancy announcement at the end of October, so that the Bureau could proceed.

### **3. Recruitment of the Director of the Secretariat of the Assembly**

The President noted that the Director of the Secretariat of the Assembly would not seek an extension at the expiration of his contract on 31 January 2024. This was an important personal decision after many years of service to the Assembly. The Bureau thanked and commended the Director for his contribution to the work of the Assembly during his term.

It was the responsibility of the Bureau to recruit the next Director, pursuant to resolution ICC-ASP/2/Res.3.<sup>4</sup> A proposed draft vacancy announcement for the post had been circulated to the Bureau on 31 August under a silence procedure until 5 September 2023. By that date, two sets of comments had been submitted, by Mexico and by Uganda on behalf of the African group.

The Registry had proposed some modifications to the draft vacancy announcement circulated, along the lines of ICC vacancy announcements, which created no legal difficulties. The Registry had also submitted to the Secretariat some comments on the proposals by Mexico and Uganda.

It was suggested that for the text on the principles of geographical representation and gender balance, the same language be used as for the vacancy announcement for the Head of the Independent Oversight Mechanism. A point was raised that there be an anonymous written test for both the Head of the IOM and the Director of the Secretariat, since written tests were applied in the recruitment of lower level professional posts.

In relation to the proposed amendments to the vacancy announcement, the President highlighted that the Bureau could consider adapting the qualifications or any other requirements of the vacancy announcement, to the extent that this did not provoke a legal issue, in particular litigation.

In relation to the point raised by some members on filling a possible void in the position, the President noted that it was likely that there would be such a void, so the Bureau would look into options. As soon as a successor President was nominated, she would discuss with him/her about filling the void on a temporary basis.

The President noted that, in the preliminary feedback on the vacancy announcement, there seemed to be much common ground. A revised version of the vacancy announcement that would include all the comments would be prepared, in consultation with the States that had proposed text. She hoped that the draft vacancy announcement could be adopted via a silence procedure (see annex II).

As regards the modalities for the recruitment, the President invited Bureau members to consider carefully the background note which reflected the steps taken in 2006-2007 in order to have a discussion at the next meeting on which ideas could be replicated and what could be added to the modalities.

### **4. Briefing by the facilitator on the composition of the Committee on Budget and Finance**

The facilitator on the composition of the Committee on Budget and Finance (the Committee), Ms. Shahanara Monica (Bangladesh), informed the Bureau that since her appointment on 24 March 2023, she had been holding bilateral consultations with States Parties from all regional groups, mostly members of the Bureau. However, the list also included other States Parties that were not represented in the Bureau, but had a specific interest in this matter.

During these conversations, the States Parties, in general terms, expressed willingness to engage in discussions on the review of the composition of the Committee. It was also clear from the conversations that the outcome of this facilitation would not have any impact on the elections of the six members scheduled to take place during the twenty-second session of the Assembly.

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<sup>4</sup> Annex, para. 6.

In the specific terms – on how to allocate or reallocate the seats on the Committee, three main aspects arose in those discussions, which were to be taken into consideration for restructuring the Committee: (i) the number of States Parties in each regional group, in consideration of the increase in the membership of the Court since the establishment of the Committee; (ii) the financial contributions to the Court’s budget by States Parties distributed by regional group; and (iii) the allocation of the Court’s resources. In addition to these, the facilitator explained that some States Parties had expressed the view that reallocation of seats should also take into account the possible financial implications, as well as impacts on the efficiency of the Committee and its work.

Different options for allocation of seats in the Committee emerged during the consultations, centred around two main scenarios: (i) to adapt the composition without increasing the total number of seats, which is 12; (ii) to adapt the composition by increasing the total number, from 12 to 14 or even more. Specific options under both scenarios were discussed during those consultations, which the facilitator intended to share with the Bureau in further details through a non-paper at a later stage.

The facilitator had also met with the Executive Secretary of the Committee, Mr. Fakhri Dajani, and the Committee Chair, Mr. Werner Druml. She also recalled a meeting with the President of the Assembly, held on 28 June, in which they had discussed the status of consultations and the roadmap for the following months.

In the facilitator’s meeting with the Executive Secretary, Mr Dajani had indicated that the impact of an expansion of the Committee, if limited to two additional members, would be marginal, as the work of the logistics would be absorbed. And the budgetary implications would be limited to a slight increase, mainly in the form of travel cost of the Committee members, since the members work on a pro-bono basis.

Similar views were expressed by the Chair of the Committee on the question of possible financial implications of the expansion, although the Chair considered twelve as a good number from an operational perspective. On the allocation or redistribution of seats among different regional groups, the Chair stressed that, given the intense nature of the Committee’s work, a certain stability in the membership was important. For example, the institutional memory was critical for the Committee to effectively discharge its functions. He suggested that the allocation arrangement should take into account the stability of the Committee, as well as the time required for the new members to familiarize themselves with the Committee’s work.

The facilitator further explained that specific options for allocation were discussed during the consultations with the States Parties. However, the consultations had not been completed yet. Once additional consultations, especially with the States Parties with a specific interest in this matter, were concluded, the non-paper would be circulated. It would provide a number of options, based on the different proposals that had emerged during the consultations. It would also include a way forward for the facilitation.

While consultations had taken place primarily in New York, mostly in in-person format, the facilitator clarified that she was available for virtual meetings with the interested State Parties based in the Hague, and also to receive comments or proposals in writing from any interested States Parties, in order for those to be reflected in the non-paper.

A point was made that there was some weight attached to the financial contributions. In response to a question on the applicable legal framework, the facilitator clarified that “equitable geographic distribution” continued to be considered, together with other considerations, including (i) contributions to the budget, and (ii) allocation of resources (per situation).

In response to a question on the historical distribution of the seats of the Committee, the facilitator explained that when the Committee had been established, the number of States Parties was smaller, and the percentage of representation by group was different. When the resolution on the Committee on Budget and Finance was adopted, it was a political decision, for which financial contributions was a consideration.

In relation to a question on the way forward, the facilitator explained that once the non-paper with concrete options would be circulated and once an option is agreed upon, it can be adopted at the next session of the Assembly. She also recalled that the resolution on the Committee indicated that it should be reviewed regularly, which had not happened yet.

The facilitator proposed to circulate the non-paper by mid-September. The President stated that depending on the non-paper, the topic could be included in the next Bureau meeting.

## **5. Preparations for the twenty-second session of the Assembly**

### *a) Guidelines for enhancing protection of participants*

The President recalled that at the end of the twenty-first session of the Assembly of States Parties to engage in consultations on appropriate measures that could be taken to enhance the security of the Assembly sessions participants due to concerns expressed by various stakeholders about risks encountered by human rights defenders by virtue of their attendance at the Assembly.

The President introduced a draft proposal by the Presidency on Guidelines for enhancing the protection of participants in Assembly sessions, dated 4 September 2023. She indicated that the proposal reflects the outcome of the consultations held in the past months, including with senior officials of the United Nations. These Guidelines were elaborated based on existing documents adopted within the United Nations.

In addition to the adoption of the Guidelines, the President further proposed that the Bureau recommends that additional language be included in the omnibus resolution on the Guidelines, in order to, *inter alia*, recall the primary responsibility of States to prevent and refrain from all acts of intimidation or reprisals against individuals by virtue of their participation in Assembly sessions. This point was specially recommended by the United Nations officials during consultations.

The President indicated that the adoption of the Guidelines would also follow on the strategy for responding to threats or attacks against the Court, its officials and those cooperating with it adopted by the Bureau on 29 July 2022.<sup>5</sup>

If approved by the Bureau, these new guidelines on security would be incorporated in the Guidelines for the preparation and conduct of sessions of the Assembly of States Parties adopted by the Bureau on 15 November 2018 and amended on 8 September 2021.

A query was raised on what actions would be taken in case of any allegations of misconduct.

The President responded that the Guidelines would be preventative, making clear which conducts would not be accepted. Allegations could be channelled to the Secretariat and depending on outcome and type of allegations, they could be resolved by approaching those committing unacceptable acts. She noted that the Guidelines were the beginning of a process to improve security and prevent fear of reprisals when the participants return to their countries. The omnibus resolutions should mandate the Bureau to continue development of Guidelines based on gained experience.

The President invited States to submit written comments to the Secretariat by 23 September 2023 with an aim to adopt the Guidelines, reflected in annex I of the document, at the next Bureau meeting.

### *b) Seating arrangements*

In accordance with Assembly decision ICC-ASP/1/Decision.4, the President drew lots to determine the State Party that would occupy the first desk on the Assembly floor: Jordan.

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<sup>5</sup> <https://asp.icc-cpi.int/sites/asp/files/2022-08/Bureau-Proposal-Rec-169-ENG.pdf>.

*c) Programme of work*

The Bureau agreed on the programme of work for the twenty-second session,<sup>6</sup> on the understanding that that it would be updated in the coming weeks and was subject to modification during the session depending on the progress on different agenda items.

*d) General debate*

The Bureau decided to inform States that the general debate will be held in the afternoon session on 6 December and in the morning session on 7 December 2023 with ministerial-level representatives speaking first.

The Bureau further decided that the general debate plenary would only allow for in-person speakers. States and other stakeholders could submit pre-recorded videos but these videos would not be played during the plenary, only posted on the webpage of the Assembly, together with written submissions.

*(i) Time limits*

The Bureau recommended, on the basis of rule 50 of the Rules of Procedure and previous decisions of the Assembly on time limits for statements in the general debate, that the Assembly request speakers to limit their interventions to five minutes.

The Bureau requested the Secretariat to inform States of the opening of the list of speakers on 23 October 2023 (Central European Time), and of the time limit of five minutes for such statements.

*(ii) Participation of observers and non-governmental organizations*

On the basis of previous Assembly decisions, the Bureau recommended that the Assembly allocate 45 minutes for the participation in the general debate of observers pursuant to rule 92 of the Rules of Procedure of the Assembly.

The Bureau also recommended that 45 minutes be allocated to non-governmental organizations for the delivery of statements at the end of the general debate.

*e) Credentials Committee*

The Bureau took note that, pursuant to rule 25 of the Rules of Procedure of the Assembly of States Parties, the Credentials Committee shall be composed of nine States Parties.

The President requested Bureau members to consult within their regional groups to identify States willing to be appointed to the Committee and to inform the Secretariat about the respective candidates, preferably before the end of October 2023.

*f) Nomination of national tellers for elections*

The President drew to the attention of Bureau members that it was necessary to appoint national tellers, one from each regional group, for the purpose of the elections to be held during the twenty-second session.

She encouraged a Bureau member from each regional group to consult within their respective groups and to inform the Secretariat of the identified candidate no later than Monday, 20 November 2023.

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<sup>6</sup> <https://asp.icc-cpi.int/sessions/documentation/22nd-session>.

*g) Nomination of a Rapporteur for the twenty-second session*

As regards the appointment of a Rapporteur for the twenty-second session, the President noted that he/she should be a representative of a State Party on the Bureau, and should be from a regional group that was not represented in the Presidency of the Assembly.

The President requested the Bureau members of the African group and Asia-Pacific group to consult in order to agree on one nominee for the position, and to inform the Secretariat, preferably before the end of October.

*h) Appointment of Coordinators for the twenty-second session*

The Bureau agreed to recommend to the Assembly the appointment of the following Coordinators for the twenty-second session:

- Working Group on the Programme Budget: Ambassador Ksenija Milenković (Serbia)
- Omnibus resolution: Ms. Alexandra Hutchison (Australia)

*i) Side events*

The Bureau decided that side events may tentatively be organized during the Assembly session, from 4 to 14 December 2023, and should not overlap with the meetings of the Assembly, in order to be reflected in the official Journal. Further details regarding organization of the side events were reflected in the “Guidelines for the preparation and conduct of sessions of the Assembly”, available on the Assembly webpage.<sup>7</sup>

The Bureau was further informed that at the United Nations Headquarters, the Secretariat is not in charge of room allocation for side events nor does the Secretariat cover any costs associated with these events. Delegations interested in organizing side events must request a conference room as well as all associated services and required equipment, such as interpretation, supplementary IT equipment or catering, directly with the United Nations via their respective Permanent Missions.

The President also informed the Bureau that the issuance of badges would be controlled by United Nations Security. If a side event participant is not a delegate nor accredited through a non-governmental organization, the organizing State must request the United Nations access pass on the participant’s behalf.

The sale of any printed materials or goods at the United Nations Headquarters during the side events or at any other time is strictly prohibited.

The Bureau decided that States, observers and non-governmental organizations wishing to tentatively hold side events during the twenty-second session should submit to the Secretariat information regarding side events by 3 November 2023, with a view to the preparation of a draft Advance Journal for dissemination during the week of 6 November 2023.

*j) Trust Fund for the participation of least developed countries and other Developing States*

The Bureau took note that, in light of the level of contributions, the Trust Fund could support the participation of approximately two delegates from Least Developed Countries and other Developing States, and encouraged States in a position to do so to contribute to the Trust Fund, preferably by the end of October 2023.

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<sup>7</sup> [https://asp.icc-cpi.int/sites/asp/files/2022-04/Guidelines-preparation-conduct-ASP-with-appendix.ENG\\_15Feb22.pdf](https://asp.icc-cpi.int/sites/asp/files/2022-04/Guidelines-preparation-conduct-ASP-with-appendix.ENG_15Feb22.pdf).

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

The President recalled that, at the twenty-second session of the Assembly, it would be necessary for the Assembly to elect 21 Bureau members for the twenty-third to twenty-fifth sessions, upon the recommendation of the Bureau. This would include the President of the Assembly. It was the turn of the Western Europe and other States group (WEOG) to nominate a candidate for election as President. The WEOG was still consulting on the nomination of a candidate for President. The Bureau would return to this item at its next meeting.

The President encouraged all regional groups to hold internal consultations on their respective future Bureau members and submit the information to the Secretariat, if possible, by the end of October.

In response to a query, the President clarified that the Vice-Presidents would be from Bureau members and that the future President would discuss the composition of the Vice-Presidents, who should not be from the same group as the President. It was the prerogative of the President and the Assembly would approve.

## 7. Elections

### a) Election of six judges

#### (i) Issuance of the report of the Advisory Committee on Nominations of Judges

The Bureau took note that the report of the Advisory Committee on Nominations of Judges on the work of its ninth session had been issued on 31 July 2023 as document ICC-ASP/22/4, which was available on the webpage of the Assembly.<sup>8</sup>

#### *Recommendation of the ACN for the Assembly's approval of resources for its new mandate*

The President drew to the attention of the Bureau that the Advisory Committee had recommended that the Assembly consider approving the appropriate resources for it to meet in-person in 2024, in order to fulfil the new mandate contained in resolution ICC-ASP/21/Res.2.<sup>9</sup> The mandate requested the ACN to prepare guidelines for national-level nomination procedures and bring them to the attention of the Assembly no later than the twenty-third session. The Committee estimated that this task would require a three-day meeting in 2024.

The estimated budget for the three-day meeting is **€51,500.00**, consisting of two items, i.e. travel costs, and interpretation costs into English and French. Since the report of the Advisory Committee had been issued after the Court's finalization of the proposed programme budget of the Court for 2024, it had not been possible to have this cost included in the budget.

The President encouraged States Parties to consider approving these additional resources, which were a small fraction of the Court's budget, in light of the importance of the work of the ACN, and given the Assembly's request that it complete this mandate no later than the twenty-third session.

Some support was expressed for the recommendation since the exercise could be useful for States Parties and could serve as capacity-building.

The President informed the Bureau that she had met with the ACN in July. Members had raised concerns since only 31 States Parties had submitted information on their national nomination procedures. She intended to send a letter to all States Parties requesting them to submit the information requested, which the ACN would need in order to carry out this mandate.

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<sup>8</sup> <https://asp.icc-cpi.int/sessions/documentation/22nd-session>.

<sup>9</sup> Annex III, section B.



The Bureau agreed to recommend that the Assembly approve the additional resources of €51,500 to enable the Advisory Committee to prepare the report on national nomination procedures.

(ii) *Report of the Independent Oversight Mechanism- Due diligence process for the 2023 election of judges*

The Bureau had before it the Executive Summary of the report of the Independent Oversight Mechanism on the Due diligence process for the 2023 election of judges, which the Head of the IOM, Mr. Saklaine Hedaraly, had submitted to the Presidency of the Assembly on 28 August 2023. The report indicated that “The IOM received no allegations against nominated candidates through the confidential channel” and that “the due diligence process did not reveal any concern that any nominated candidate may not be of high moral character as required by the Rome Statute.”

The Bureau took note of the Executive Summary of the report and of the IOM’s conclusions of the Due diligence process that had been conducted for the candidates for judges.

(iii) *Update on public roundtables*

The facilitator on the Review of the procedure for the nomination and election of judges, Mr. Matúš Košuth (Slovakia), briefed the Bureau on the discussions in the New York Working Group on the public roundtable discussions with the candidates for the judicial elections, as indicated in resolution ICC-ASP/21/Res.2.<sup>10</sup>

The Bureau took note of the status of preparations by the New York Working Group in respect of the public roundtable discussions to be held with all candidates for the judicial elections.

The Bureau approved the modalities for the 2023 Public roundtables for judicial candidates, disseminated to States on 7 September 2023 (see annex III).

Further details, such as names of moderators or the distribution of judicial candidates to the sessions via drawing lots would be determined by the New York Working Group.

b) *Election of six members of the Committee on Budget and Finance: update*

The President recalled that at the close of the nomination period on 27 August 2023, six candidates had been nominated to fill the six seats that will become vacant on 1 January 2024.

Since the number of candidates corresponded to the number of vacant seats, she proposed and it was so decided, that the Bureau consider recommending that the Assembly elect the six candidates to the Committee on Budget and Finance at its twenty-second session by acclamation:

- Ms. Sanyu Diana Awori (Kenya)
- Mr. Werner Druml (Austria)
- Mr. Fawzi A. Gharaibeh (Jordan)
- Ms. Mónica Sánchez Izquierdo (Ecuador)
- Ms. Elena Sopková (Slovakia)
- Mr. Jun Yamada (Japan)

The President recalled that, pursuant to the 12 November 2019 recommendation of the Bureau, the members of the Committee would be elected for a three-year term commencing on 1 January 2024 and ending on 31 December 2026.

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<sup>10</sup> Annex II, Sections D and E: <https://asp.icc-cpi.int/sites/default/files/2022-12/ICC-ASP-21-Res2-ENG.pdf>

## 8. Status of contributions

The Bureau took note of the status of contributions to the budget of the Court as at 31 July 2023. The Court had received 90 per cent of the assessed contributions to the approved budget for 2023. The total amount of outstanding contributions, for 2023 and for prior years, stood at €35.9 million. A total of 28 States Parties had outstanding contributions of more than one year.

The President also emphasized that 15 of those States Parties were ineligible to vote under article 112, paragraph 8, of the Rome Statute. The Secretariat had contacted those States Parties regarding the payment of their arrears.

## 9. Other matters

### *a) Twenty-fifth anniversary of the adoption of the Rome Statute: Siracusa event*

The President briefed the Bureau on developments regarding the commemorative event to mark the twenty-fifth anniversary of the adoption of the Rome Statute, organized in collaboration with the Siracusa International Institute for Criminal Justice and Human Rights, to be held in Siracusa, Italy, on 12 and 13 October 2023.<sup>11</sup>

The President indicated that the event is intended to be a continuation of the discussions held in New York on 17 and 18 July and expressed that she hoped that many States and civil society representatives would be able to participate.

The President informed the Bureau that the Siracusa Institute's main conference room can host up to 100 participants, and thus foreseeing around 60 to 70 attendees.

The event would be hybrid, allowing some online speakers and attendees to interact with the meeting room. The Siracusa Institute indicated that there would be interpretation in English and French.

The President indicated the Secretariat would be circulating the draft programme shortly, noting that it is already available on the 25th anniversary webpage as of 7 September 2023.<sup>12</sup>

The President recalled that further information about other commemorative events and any updated documentation would be available on the respective webpage of the Assembly.<sup>13</sup>

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<sup>11</sup> The President had indicated at the 5 July 2023 Bureau meeting that the event would be held in Rome, rather than Siracusa, due to logistical constraints. However, the constraints have since been resolved and the event will now take place in Siracusa as originally planned.

<sup>12</sup> <https://asp.icc-cpi.int/fr/asp-events/25a-Adoption-RS>.

<sup>13</sup> <https://asp.icc-cpi.int/fr/asp-events/25a-Adoption-RS>.

## Annex I

### Decision on the recruitment of the Head of the IOM 2023\*

The Bureau considered a proposal to extend the current Head of the IOM's contract as submitted by the President of the Assembly of States Parties at its fourth, fifth, sixth and seventh meetings, held on 12 April, 10 May, 14 June and 5 July 2023 respectively.

The Bureau recalled the limited duration of the appointment of the Head of the IOM, as reflected in the "Special Conditions" applicable to the position which were included in the current Head of the IOM's employment contract as instituted by decision of its fifth meeting of 23 June 2015.

The Bureau, acting consistent with the agreed rules of engagement with the Court, and committed to ensuring that the Bureau delivers on its promise to enhance administration of the Court and Assembly decisions, including using its authority to establish norms and enforce practices that are based on institution-building, predictability and stability, and most importantly, legitimacy before all States Parties;

Decided:

1. To exceptionally extend the appointment of the current Head of the IOM for a further, final period of 12 months, i.e. until 31 October 2024, and to request the Registrar to facilitate the requisite administrative arrangements for the extension;
2. To adopt the draft vacancy announcement for the position of the Head of the IOM annexed to this decision, and to request the Court to publish the vacancy announcement as soon as practicable, with a deadline of eight weeks;
3. To undertake the recruitment of the Head of the IOM in accordance with the ASP resolution<sup>1</sup> that mandated it to do the first recruitment, using the following procedure:
  - a) The Bureau shall be assisted in the recruitment by a balanced selection panel comprised of five independent subject-matter experts, one for each region, appointed by the Bureau as soon as practicable from a list of suggested experts compiled by the Registrar;
  - b) The Bureau should by silence procedure adopt terms of reference (guided by those used previously) for the selection panel which will set out in more detail the process to be followed; and
  - c) The selection panel shall conduct interviews and make recommendations to the Bureau who shall make the final decision on who to employ as the next Head of the IOM;
4. To remain seized of the matter and to receive regular updates on the progress.

## Appendix

### Draft Vacancy Announcement

**Job Title: Head, Independent Oversight Mechanism (P-5)**

**Deadline for** [to be inserted]

**Applications:**

**Organizational Unit:** Independent Oversight Mechanism

**Duty Station:** The Hague - NL

**Type of Appointment:** Established Post

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\* Adopted by the Bureau on 24 August 2023.

<sup>1</sup> Resolution ICC-ASP/12/Res.8.

**Post Number:** E-9948  
**Minimum Net Annual Salary:** €132,867

**Contract Duration:** The Court offers a two-year initial appointment (six-month probationary period) with the possibility of extension. In case of extension, the initial fixed-term appointment shall be extended only once for a maximum period of three (3) years, provided that there is a continuing need for the post and that the incumbent's performance continues to meet a satisfactory level.

A roster of suitable candidates may be established for this post as a result of this selection process.

In accordance with the Rome Statute, the ICC seeks to achieve equitable geographical representation, gender balance and representation of the principal legal systems of the world in all professional positions. As a result, the selection process for the announced position will take into account, and give due consideration to, the achievement of these objectives in light of the need to promote their full realisation.

### **Organizational Context**

The Independent Oversight Mechanism (IOM) shall perform the functions of investigation, inspection and evaluation in accordance with article 112, paragraph 4, of the Rome Statute. The IOM is a subsidiary body of the Assembly of States Parties to the Rome Statute. The IOM shall exercise operational independence under the authority of the President of the Assembly. The operational mandate of the IOM was adopted by the Assembly via resolution ICC-ASP/12/Res.6. A revised operational mandate was adopted via resolution ICC-ASP/19/Res.6.

As prescribed by article 112, paragraph 4 of the Rome Statute, the purpose of the IOM is to provide comprehensive oversight of the Court through the conduct of independent internal administrative investigations, evaluations, and inspections, in order to enhance its economy and efficiency.

### **Duties & Responsibilities**

The Head of the IOM performs the following duties:

- Lead and direct the inspection, evaluation and investigation functions of the IOM, as well as management and administration of the IOM and its staff members;

Inspection:

- Conduct unscheduled/ad hoc, on-the-spot verifications and inspections of any premises or processes, as requested by the Bureau or when requested by a Head of Organ, respecting and safeguarding confidentiality and delivery of reports, upon completion of the inspections, to the President of the Assembly of States Parties and/or Head of Organ as applicable;
- Implement recognised best practices and adhere to the highest ethical standards in carrying out all inspections.

Evaluation:

- Provide evaluations of any activity, project, programme, strategy, policy, topic, theme, sector, operational area or institutional performance, pursuant to its mandate or as requested by the Assembly, the Bureau or any Head of Organ;
- Implement recognised best practices and adhere to the highest ethical standards in carrying out all evaluations;
- Provide quality assurance, coordination and secretariat support for any evaluation conducted by an external consultancy or by any high-level peer-review panel established by the Assembly, its Bureau or any Head of Organ, for the purposes of evaluating any aspect of the Court's operations;

- Provide, upon request of any Head of Organ, technical support to the relevant Organ in establishing or reviewing an internal monitoring and evaluation system of any project, programme or initiative;
- Upholding confidentiality for all requests of evaluations and while carrying out those evaluations;
- Deliver an evaluation report, upon completion of an evaluation, to the President of the Assembly or Head of Organ as applicable.

**Investigation:**

- Receive and investigate complaints of misconduct and serious misconduct against any elected official, pursuant to its mandate and in accordance with relevant provisions of the Rome Statute and Rules of Procedure and Evidence;
- Receive and investigate all allegations of misconduct against any staff member or consultant/contractor retained by the Court, pursuant to its mandate;
- The IOM also has the discretionary authority to assess or investigate any allegations of misconduct, serious misconduct, or unsatisfactory conduct against any former elected official, staff member, or consultant/contractor, provided they were in service of the Court at the time the alleged misconduct took place. This also covers allegations of misconduct with respect to obligations undertaken by elected officials, staff members, or consultants/contractors during their service and that extend after their term of service;
- Lead sensitive and complex interviews which require specialist skills and considerable experience;
- Implement recognised best practices and adhere to the highest ethical standards in carrying out all investigations;

**Due diligence processes:**

- Oversee due diligence processes, when requested by the Assembly or its Bureau, in respect of candidates for elected officials of the Court: judges, Prosecutor, Deputy Prosecutor, Registrar, and Deputy Registrar. In the future this may involve the implementation of a permanent due diligence process, subject to approval by the Assembly.

**Other duties:**

- Access and handle highly confidential and sensitive information and documentation paying the utmost attention to confidentiality and secure storage;
- Draft operational guidance material, including procedures and protocols utilised by the IOM pursuant to recognised best practices and relevant jurisprudence;
- Draft the annual reports of the IOM for submission to the Assembly of States Parties, as well as the interim reports to the Bureau of the Assembly;
- Submit, within delegated certifying authority, future programme budget proposals for the effective functioning of the IOM in accordance with established procedures and certifying accounts of the office pursuant to the Financial Regulations and Rules of the Court;
- Perform other duties as required.

***Special Note:***

- The incumbent of this post will participate in the Court's Financial Disclosure Programme, administered on behalf of the ICC by the United Nations Ethics Office (UNEO). Information on the programme can be found [here] on the website of the UNEO (UNEO Financial Disclosure Programme).
- This appointment does not carry any expectancy of renewal or of conversion to any other type of appointment in the Court. In case of extension, the initial fixed-term appointment shall be extended only once for a maximum period of three (3) years, provided that there is a continuing need for the post and that the performance continues to meet a satisfactory level.

**Essential Qualifications**

***Education:***

Advanced university degree in law, or inspection, evaluation or investigation-related field or any other relevant subject such as forensic accounting, criminal justice, economic crime, fraud management, social science, and public or business administration is required. A first-level university degree in combination with two additional years of qualifying experience is accepted in lieu of an advanced university degree.

*Experience:*

A minimum of ten years of relevant professional experience (twelve years with a first-level university degree) in inspection, evaluation, and investigation-related areas in an organisational setting including judicial body, law enforcement institution, anti-corruption or administrative investigations is required.

*Knowledge, Skills and Abilities:*

- Advanced knowledge and understanding of theories, concepts and approaches relevant to administrative and/or criminal investigations;
- Demonstrated ability to conduct and lead complex investigation, inspection and evaluation assignments, and produce quality reports with relevant elements i.e. facts, analysis and results;
- Ability to analyse large volume of complex and conflicting evidence;
- Demonstrated management knowledge and experience including managing the staff performance, providing guidance, coaching and overseeing the administration of the office;
- Excellent communication and negotiation skills, and strong demonstrated written skills with emphasis in complex report writing;
- Ability to work under demanding and at times conflicting work priorities and schedules;
- Determination, perseverance and the ability to network and build effective working relationships with internal and external stakeholders including non-governmental organisations, military, police and government bodies;
- Proven leadership skills and experience;
- Effective stress management skills;
- Adaptability and team spirit;
- Professional and personal integrity;
- Respects judicial and prosecutorial independence;
- Works towards inclusiveness.

*Language Requirements:*

Fluency in either of the working languages of the Court, English or French, is required. Working knowledge of the other is considered an asset. Knowledge of another official language of the Court would be considered an asset (Arabic, Chinese, Russian, Spanish).

**ICC Leadership Competencies**

*Purpose*

- Align own purpose to ICC Mission

*Collaboration*

- Lead across boundaries

*People*

- Bring out the best in people

*Results*

- Lead the delivery of superior outcomes to achieve ICC Mission

**ICC Core Competencies**

*Dedication to the mission and values*

- Acts consistently in accordance with the mission and values of the Organisation;
- Maintains confidentiality, acts with integrity and shows respect for diversity;
- Shows commitment to the organisation;
- Presents a positive image of the organisation during external discussions.

*Professionalism*

- Applies professional and technical expertise;
- Keeps abreast of organisational issues;

- Produces workable solutions to a range of problems;

#### *Teamwork*

- Listens, consults and communicates proactively;
- Handles disagreements with tact and diplomacy;
- Recognises and rewards the contribution of others;

#### *Learning and developing*

- Identifies development strategies needed to achieve work and career goals and makes use of developmental or training opportunities;
- Learns from successes and failures;
- Seeks feedback and gives feedback to others to increase organisational effectiveness;
- Seeks opportunities for improvement of work;
- Has an open mind and contributes to innovation.

#### *Handling uncertain situations*

- Adapts to changing circumstances;
- Deals with ambiguity, making positive use of the opportunities it presents;
- Plans activities and projects well in advance and takes account of possible changing circumstances;
- Manages time effectively.

#### *Interaction*

- Expresses opinions, information and key points of an argument clearly;
- Handles contacts with diplomacy and tact;
- Communicates in a transparent and open way with internal and external contacts while complying with confidentiality requirements.

#### *Realising objectives*

- Accepts and tackles demanding goals with enthusiasm;
- Keeps to agreements with others;
- Focuses on client needs;
- Takes responsibility for actions, projects and people;
- Monitors and maintains quality and productivity

### **General Information**

- The selected candidate will be subject to a Personnel Security Clearance (PSC) process in accordance with ICC policy. The PSC process will include but will not be limited to, verification of the information provided in the personal history form and a criminal record check.
- Applicants may check the status of vacancies on ICC E-Recruitment web-site.
- Post to be filled preferably by a national of a State Party to the ICC Statute, or of a State which has signed and is engaged in the ratification process or which is engaged in the accession process.
- Applications from female candidates are particularly encouraged, as well as applications from geographically less-represented States.
- The Court reserves the right not to make any appointment to the vacancy, to make an appointment at a lower grade, or to make an appointment with a modified job description.
- The International Criminal Court applies the Inter-Organization Mobility Accord and can support secondment of staff from organizations of the United Nations Common System.

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## Annex II

### DRAFT VACANCY ANNOUNCEMENT<sup>2</sup>

#### Job Title: Director of the Secretariat of the Assembly of States Parties (D-1)

<b>Deadline for Applications:</b>	11.2023 (midnight The Hague time)
<b>Position Title and Level:</b>	Director of the Secretariat of the Assembly of States Parties (D-1)
<b>Organizational Unit:</b>	Secretariat of the Assembly of States Parties
<b>Duty Station:</b>	The Hague – NL
<b>Organizational Unit:</b>	Secretariat of the Assembly of States Parties
<b>Type of Appointment:</b>	Fixed Term
<b>Post number:</b>	Established post (E-5107)C
<b>Minimum Net Annual Salary:</b>	€ To be confirmed (subject to change)

**Contract Duration** The Court offers a two year initial appointment (six month probationary period) with the possibility of extension.

- Subject to a decision of the Assembly of States Parties, a maximum tenure period may apply to the present post.

#### Gender and geographical representation

In accordance with the Rome Statute, the ICC seeks to achieve equitable geographical representation, gender balance and representation of the principal legal systems of the world in all professional positions. As a result, the selection process for the announced position will take into account, and give due consideration to, the achievement of these objectives in light of the need to promote their full realization.

Given the nature of the post, having the nationality of a State Party to the Rome Statute of the International Criminal Court or of a State which has signed and is actively engaged in the ratification or accession process, shall be considered a fundamental asset.

Applications from female candidates and candidates from non and underrepresented States Parties are particularly encouraged.

#### Organizational Context

The Director heads the Secretariat of the Assembly of States Parties, which pursuant to paragraph 3 of the annex to ICC-ASP/2/Res.3, operates under the full authority of the Assembly and reports directly to the Assembly in matters concerning its activities. The Secretariat is an integral part of the Court. For administrative purposes, the Secretariat and its staff are attached to the Registry of the Court.

The Director of the Secretariat of the Assembly of States Parties will plan, manage and coordinate, through subordinate supervisors, the work program and priorities of the Secretariat of the Assembly of States Parties, which is to provide the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Audit Committee, the Advisory Committee on Nomination of Judges, as well as, upon express decision of the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing, as well as administrative and technical assistance in the discharge

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<sup>2</sup> Draft vacancy announcement approved by the Bureau via a silence procedure on 3 October 2023.



of their responsibilities under the Rome Statute, where applicable by means of pooling with resources available with the Court.

## **DUTIES AND RESPONSIBILITIES**

Under the supervision of the Bureau of the Assembly of States Parties, the incumbent will be performing the following duties:

### **Conference servicing functions:**

1. Planning, co-ordination and servicing of meetings, including the provision of interpretation services;
2. Advising and supporting the President and Vice Presidents of the Assembly of States Parties on matters related to the fulfillment of their duties, as per their request.
3. Preparation, processing and publishing of documentation, including the editing, translation, printing and distribution of documents;
4. Coordination of the effective functioning of conference and support services (staff, interpretation/translation, conference rooms, supplies, equipment, security services) before and during meetings;

### **Core legal and substantive functions:**

1. Substantive secretariat servicing, including: provision of documentation, preparation of pre-session and in-session documents, reports and analytical summaries; preparation of notes and statements for the President of the Assembly or chairpersons of the serviced bodies; provision of interpretation; provision of legal advice on rules of procedure and the conduct of business; liaising with delegations; and making arrangements, upon request, for informal consultations among delegations;
2. Advise within the Secretariat on legal and substantive issues relating to the work of the Secretariat and the ramifications of the activities and decisions of the serviced bodies;
3. Corresponding with Governments; the Court, non-governmental organizations and other relevant bodies and individuals;
4. Protocol and credentials, including the administration of the solemn undertakings by judges, the Prosecutor and the Registrar and the management of participations rights (credentials of States Parties, Observers, other invited States, non-governmental organizations), travel arrangements;
5. Public relations;
6. Co-operation with the host State;
7. Bringing to the attention of the serviced bodies any matter, which the Secretariat deems necessary to require their consideration;

### **Core financial functions:**

1. Provision of advice on the Financial Regulations and Rules, drafting of statements on budgetary implications, and assistance in the preparation of texts on financial and budgetary matters;
2. Preparation of the section of the proposed programme budget of the International Criminal Court that relates to the Assembly and its Secretariat;

### **Administrative functions:**

1. Secretarial work;
2. Management of the Secretariat personnel;
3. Administration of the budget of the Secretariat;
4. Building and property management;

5. Maintenance of records, archives and library.

**Other:**

Any other functions that the services bodies entrust to the Secretariat.

**QUALIFICATIONS AND EXPERIENCE**

Advanced university degree (Master's degree or equivalent) in public international law, external relations, public or business administration, or related area is required. At least fifteen years' experience of documented progressively responsible managerial experience, whether at a national or international, private or public level, preferably but not necessarily, in judicial institutions and bodies. A proven track record of efficient management of public funds, whether at the national or international level, shall be desirable.

Significant diplomatic experience and skills, with a comprehensive knowledge of the purposes, principles and procedures of the International Criminal Court, in particular with practical experience and knowledge of the interaction between the Assembly of States Parties its subsidiary bodies and the Organs of the Court, is also required.

A proven capability to perform his/her duties under stressful conditions and time constraints, as well as to provide solutions to sensitive issues in multicultural international environments, is highly desirable.

**KNOWLEDGE OF LANGUAGES**

Fluency in either of the working languages of the Court, English or French, is required. Working knowledge of the other is desirable. Knowledge of another official language of the Court would be considered an asset. (Arabic, Chinese, Russian, Spanish)

**ICC Leadership Competencies**

- Purpose
- Collaboration
- People
- Results

**ICC Core Competencies**

- Dedication to the mission and values
- Professionalism
- Teamwork
- Learning and developing Handling uncertain situations Interaction
- Realising objectives

**General Information**

- The Registry in agreement with the Bureau of the Assembly of States Parties reserves the right not to make any appointment to the vacancy, to make an appointment at a lower grade, or to make an appointment with a modified job description.
- The International Criminal Court applies the Inter-Organization Mobility Accord and can support secondment of staff from organizations of the United Nations Common System.
- The selected candidate shall be subject to a Personnel Security Clearance (PSC) process in accordance with ICC policy. The PSC process shall include but not be limited to, verification of the information provided in the personal history form and a criminal record check.
- Applicants may check the status of vacancies on ICC E-Recruitment web-site.

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## Annex III

### New York Working Group of the Bureau of the Assembly of States Parties Modalities for 2023 Public Roundtables for Judicial Candidates<sup>3, 4</sup>

#### Timing

The roundtables will be convened on 6 and 7 November 2023.<sup>5</sup>

#### Location

The roundtables will be held in-person at the UN Headquarters in New York (*room to be announced as soon as possible*), and will be publicly web-streamed, recorded and uploaded to the ASP website. The candidates who will not be able to participate in-person should inform the Secretariat as soon as possible in order to facilitate their participation by videoconference.

#### Moderation

Each session of the roundtables will be moderated by two moderators, one from the States Parties and one from the civil society, each moderating their respective segments of questions. The segment with individualized questions will be co-moderated. The moderators will be announced as soon as possible by the New York Working Group. Moderator on behalf of States Parties will be identified from the States Parties represented in the Bureau, which did not nominate a candidate for this year's election; moderator on behalf of civil society might differ from session to session.

#### Format

The roundtables will be held in 3 sessions,<sup>6</sup> each for maximum duration of 3 hours. Candidates will be divided up into sessions randomly, without differentiation between List A and List B candidates, with discretion to make any necessary accommodations for time zone differences, in the case of the participation of a candidate via videoconference. Candidates will be given opportunity to make opening and concluding remarks. During the segments, candidates will be provided with an equal amount of time to respond to questions, and with an exception for the segment on individualized questions, all candidates will be given the opportunity to respond to all questions posed.

#### Tentative programme of a session:

- Opening remarks by moderators
- Presentation of each candidate
- Segment for individualized questions supplementing the ACN report on the assessment of candidates
- Segment for questions submitted by States Parties
- Segment for questions submitted by civil society
- Concluding remarks by each candidate
- Concluding remarks by moderators

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<sup>3</sup>Based on the paragraph 12ter of resolution ICC-ASP/3/Res.6 regarding the Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court, as amended by resolutions ICC-ASP/18/Res.4 and ICC-ASP/21/Res.2

<sup>4</sup> Approved by the New York Working Group via a silence procedure on 10 August 2023 and by the Bureau on 7 September 2023.

<sup>5</sup>Dates aim: to allow sufficient time for consideration of the report of the Advisory Committee on Nominations and the submission of questions; to follow after the deadline (31 October 2023) for the IOM to submit a report to the Presidency of the Assembly regarding any concerns it may have identified with respect to the high moral character of any of the nominated candidates; and to avoid overlaps with the Sixth Committee session to the extent possible.

<sup>6</sup> One session (afternoon) on Monday 6 November 2023 and two sessions (morning and afternoon) on Tuesday 7 November 2023.

## **Questions**

- States Parties and civil society will be invited to submit questions for the individualized segment and their respective segments in advance, and if time permits, also during the sessions.
- Questions submitted in advance will be anonymized and moderators will have discretion to streamline them, to de-prioritize any questions which have already been asked by the ACN and for which candidates' responses are on record, as well as to pose follow-up questions and request clarifications during the sessions.
- Questions will not be shared with candidates ahead of the roundtables.
- No questions involving matters pending before the Court will be permitted.
- Together with the invitation to submit questions, the same number of topics for individualized questions for each candidate will be indicated in order to supplement the ACN assessments. If possible, the moderators will choose questions equally from those submitted by the States Parties and those submitted by the civil society. Should there be no questions submitted for any of the indicated topics for any of the candidates, the moderators shall have discretion to formulate questions to supplement the ACN report themselves.

## **Language**

Simultaneous interpretation in English and French will be provided. The web-stream and recordings will be available in the floor language, English and French.

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