



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**First meeting**

**17 January 2024**

*(via remote link)*

Agenda and decisions

*The meeting was chaired by the President, Ambassador Päivi Kaukoranta (Finland). Vice-Presidents Ambassador Michael Imran Kanu (Sierra Leone) and Ambassador Margareta Kassangana (Poland) also participated.*

**1. Review Mechanism: update**

Ambassador Paul van den IJssel (Netherlands), a State Party representative on the Review Mechanism, also on behalf of Ambassador Michael Imran Kanu (Sierra Leone), briefed the Bureau on the proposed work of the Review Mechanism for 2024.

Ambassador van den IJssel recalled that the Assembly had decided to extend the mandate of the Review Mechanism for an additional year, until the twenty-third session.<sup>1</sup> Pursuant to its mandate, the Review Mechanism would be “dedicated to planning, coordinating, keeping track and regularly reporting to the Assembly Presidency and the Bureau on the implementation of the recommendations contained in the Report of the Group of Independent Experts, as well as the issues referenced in resolution ICC-ASP/18/Res.7, paragraphs 18 and 19, and in general in accordance with that resolution”. In addition, the Assembly had mandated that “[t]he Review Mechanism shall specifically continue to monitor further action and implementation, as appropriate, of the recommendations that have been positively assessed or assessed positively with modifications.”<sup>2</sup>

Further, by resolution ICC-ASP/22/Res.7,<sup>3</sup> the Assembly had decided to implement the tenure policy as of 1 January 2025, and had decided also to consider further the Court’s proposal on how to implement the tenure policy. The Assembly had also requested the Review Mechanism to facilitate this work and to report thereon to the Assembly in advance of its twenty-third session.<sup>4</sup> The topic of “Tenure” would be one of the Review Mechanism’s priority issues for 2024. The Mechanism planned to start consultations on this topic and invited States Parties and all stakeholders to approach the members thereon.

He indicated that the “Matrix on Progress in the assessment of the IER recommendations”, which had been circulated on 9 January, would be included as annex V of the report of the Review Mechanism.<sup>5</sup> The status of the assessment of the vast majority of the IER recommendations was reflected therein, and information on the assessment of two outstanding IER recommendations, R78 and R140, would be updated in 2024. He recalled that the Matrix was a living document that would be updated to reflect developments.

---

<sup>1</sup> ICC-ASP/22/Res.6, para.5.

<sup>2</sup> Ibid., para. 6.

<sup>3</sup> Titled “Resolution of the Assembly of States Parties regarding the implementation of the tenure policy”.

<sup>4</sup> ICC-ASP/22/Res.7, para 3.

<sup>5</sup> ICC-ASP/22/11.

The Review Mechanism would finalize its work programme for the first semester of 2024 and circulate it to States Parties and all stakeholders. Since all the IER recommendations allocated to the Review Mechanism as the platform for discussion had been assessed, the Review Mechanism planned to hold roundtables in the first semester to discuss the implementation of some IER recommendations that had been positively assessed or assessed positively with modifications. In addition to roundtables on tenure, he invited States Parties and all stakeholders to approach the Review Mechanism members with any suggestions for the subject matter of the additional roundtables, or if they wished to raise any issues or discuss any points of the Review Mechanism's work in 2024.

The Mechanism would continue its practice of consulting with States Parties, facilitators, the Court, civil society and all stakeholders, in the interests 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, its reports, and through the Matrix.

## **2. Appointment of Assembly mandate-holders**

The Coordinator of The Hague Working Group, Vice-President Ambassador Margareta Kassangana (Poland), informed the Bureau that she had consulted the 2023 mandate-holders and all had indicated their willingness to continue as mandate-holders for 2024, with the exception of the facilitator for the budget, whose posting in The Hague would end during 2024. She would continue her consultations in order to finalize the nominations.

The Coordinator of the New York Working Group, Vice-President Ambassador Michael Imran Kanu (Sierra Leone), indicated that he was still conducting consultations to ascertain the availability and willingness of 2023 mandate-holders to continue in their roles for 2024, noting that some mandate-holders, including the Chair of the Working Group on Amendments, had completed or would complete their postings in New York.

## **3. Twenty-third session of the Assembly**

### *a) Provisional agenda*

The Bureau approved the provisional agenda for the twenty-third session of the Assembly, dated 18 December 2023, drawn up by the Secretariat in accordance with rule 11 of the Rules of Procedure of the Assembly of States Parties.<sup>6</sup>

## **4. Recruitment of the Director of the Secretariat of the Assembly: update**

The President recalled that the vacancy announcement for the post of Director of the Secretariat of the Assembly<sup>7</sup> had closed on 15 December 2023. On 13 December 2023, the Bureau had adopted a decision on the recruitment of the Director, including terms of reference for the panel which would assist the Bureau with the recruitment.<sup>8</sup> According to the Bureau's decision, 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. A message had been sent to all States Parties on 22 December 2023 inviting the submission of names for candidates for the recruitment panel. The Registrar had also been requested to submit names. The President encouraged all delegations to submit names for the panel before the deadline of 26 January 2024, and noted that the Bureau would take up the appointment of the panel members once the deadline had passed. The President hoped that the panel, once appointed, would be able to make quick progress. She recalled that the current Director, Mr. Renan Villacis, who had elected not to take

---

<sup>6</sup> ICC-ASP/23/1, available at: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ICC-ASP-23-1-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-23-1-ENG.pdf).

<sup>7</sup> See agenda and decisions of the eighth meeting of the Bureau, held on 7 September 2023, annex II, available at: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/2023-Bureau8-Agenda-Decisions.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau8-Agenda-Decisions.pdf).

<sup>8</sup> See agenda and decisions of the thirteenth meeting of the Bureau, held on 14 December 2023, annex, available at: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/2023-Bureau13-Agenda-Decisions.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau13-Agenda-Decisions.pdf).

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.

The President noted that Bureau members might wish to consider whether the person to be selected for the post would be subject to a term limit, along the lines of the tenure policy which was under discussion for staff at P-5 level and above. In this regard she recalled that a term limit of seven years had been applied to the appointment of the Executive Director of the Secretariat of the Trust Fund for Victims in 2023, following a proposal to that effect by the Board of Directors of the Trust Fund and the approval of the respective amendment to the Regulations of the Trust Fund.<sup>9</sup>

Should the Bureau decide to proceed with a similar limit for the post of Director of the Secretariat, the next stages in the recruitment process would take that into account. The Bureau would return to this aspect at its next meeting. Vice-President Kanu noted that applying a term limit to the position would be consistent with the positive assessment of the relevant IER recommendation regarding tenure.<sup>10</sup>

## **5. Status of contributions**

The Bureau took note that, as at 31 December 2023, the Court had received 94 per cent of the assessed contributions to the approved budget for 2023. The total amount of outstanding contributions, including for prior years, was €27.70 million. A total of 21 States Parties had outstanding contributions of more than one year, and 12 of those were ineligible to vote under article 112, paragraph 8, of the Rome Statute.

The President acknowledged the substantial efforts which had enabled payment of some significant outstanding contributions in December 2023 and January 2024. The Presidency was committed to working with the facilitator for arrears, once appointed, to deploy all efforts to obtain the timely payment of contributions, in consultation and coordination with the Court.

The President recalled the 30 November 2023 decision<sup>11</sup> by the Bureau regarding the development of criteria to better equip the Assembly and the Bureau to assess requests for waivers from the loss of voting rights under article 112, paragraph 8, of the Rome Statute, and noted that the Bureau would need to return to this topic in due course.

## **6. Other matters**

### *a) Confidential matter*

The President briefed the Bureau on a confidential matter.

### *b) Day of International Criminal Justice*

The President invited Bureau members to inform the Presidency of the Assembly of any tentative events or commemorations regarding 17 July, the Day of International Criminal Justice, which they might be considering organizing in 2024.

---

<sup>9</sup> See regulation 17*bis*, adopted by the Assembly via resolution ICC-ASP/21/Res.2: “The Executive Director’s term of office shall not exceed seven years, with an initial appointment period of one year and two subsequent extensions of three years each, provided that there is a continuing need for the post and that his or her performance meets a satisfactory level. The Board of Directors shall inform the Registrar on the outcome of their assessment regarding any extension of the appointment at least six months before its expiration.” Available at: <https://asp.icc-cpi.int/sites/default/files/2022-12/ICC-ASP-21-Res2-ENG.pdf>.

<sup>10</sup> IER recommendation R105.

<sup>11</sup> See agenda and decisions of the eleventh meeting of the Bureau, held on 30 November 2023, available at: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/2023-Bureau11-Agenda-Decisions.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau11-Agenda-Decisions.pdf).

*c) Twenty-second session of the Assembly*

The Secretariat indicated that it would submit, for the consideration of the Bureau, some modifications to the Guidelines for the preparation and conduct of the sessions of the Assembly of States Parties,<sup>12</sup> in order to strengthen the Guidelines in regard to participation.

*d) Independent Oversight Mechanism: terms of reference for the evaluation of the Secretariat of the Assembly of States Parties*

Recalling the Bureau's 14 June 2023 decision<sup>13</sup> to request an evaluation of the Secretariat of the Assembly of States Parties by the Independent Oversight Mechanism (IOM), the President noted that on 15 January 2024 the Bureau had received the terms of reference for the evaluation, prepared by the IOM. The Bureau took note of the terms of reference.

*e) Bureau working methods*

The Bureau considered its working methods in regard to how its meetings are scheduled and organized, in particular the possibility of having an occasional in-person Bureau meeting, the software used for virtual meetings, and the elements to bear in mind when considering the option of a hybrid meeting.

The President indicated that finding the best working methods for the Bureau was a rather complex undertaking given various security and confidentiality concerns. She indicated that the next Bureau meeting, scheduled for 6 February 2024, would continue in virtual form with interpretation.

*f) Activities of the President*

The President indicated that she planned to visit The Hague on 8 February 2024 for the ceremony to welcome Armenia as a new State Party to the Rome Statute, followed by a visit on 8 March 2024 to participate in the solemn undertaking ceremony for the six newly elected judges. The President invited delegates to follow her activities as President of the Assembly through the dedicated account on X (formerly Twitter): @PASPkauranta.

\* \* \*

---

<sup>12</sup> As approved by the Bureau on 15 November 2018 and amended on 8 September 2021 and 29 September 2023. Available at: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/Guidelines-preparation-conduct-ASP-with-appendix-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/Guidelines-preparation-conduct-ASP-with-appendix-ENG.pdf).

<sup>13</sup> See agenda and decisions of the sixth meeting of the Bureau, held on 14 June 2023, available at: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/2023-Bureau6-Agenda-Decisions.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau6-Agenda-Decisions.pdf).

## Annex

### Allocation of mandates as a follow-up to the twenty-second session of the Assembly of States Parties\*

- a) *Mandate to the Bureau*
  - Composition of the Bureau
  
- b) *Ad country mandates*
  - Complementarity
  - Plan of action for achieving universality and full implementation of the Rome Statute
  - Non-cooperation<sup>1</sup>
  
- c) *New York Working Group*
  - Arrears
  - Geographical representation and gender balance in the recruitment of staff of the Court
  - Review of the procedure for the nomination and election of judges
  - Omnibus resolution
  
- d) *The Hague Working Group*
  - Budget (including premises and budget management oversight)
  - Cooperation
  - Legal aid
  - Review of the work and operational mandate of the Independent Oversight Mechanism
  - Study Group on Governance

\* \* \*

---

\* Agreed by the Bureau on 28 December 2023.

<sup>1</sup> Based in New York.