



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Tenth meeting

2 October 2024

(via remote link)

Agenda and decisions

The meeting was chaired by the President, Ambassador Päivi Kaukoranta (Finland). Vice-President Ambassador Margareta Kassangana (Poland) also participated.

1. Review Mechanism: update

Ambassador Paul van den IJssel (Netherlands), a State Party representative, updated the Bureau on the work of the Review Mechanism. The Review Mechanism had held its fifth meeting on 11 September, where he updated States Parties on developments, i.e. the approval via silence procedure of the revised amendments to the Staff Rules and Regulations concerning tenure. The meeting also continued discussions on the proposal by the African group for a moratorium on the recruitment of staff from non-States Parties. He encouraged States Parties to continue to meet in order to find compromises, and he also planned to have informal consultations. He recalled that, at the request of a State Party, the meetings on tenure continued to be open to States Parties only.

On 30 September 2024, the Review Mechanism had held a Roundtable on the topic “Working culture”, at which the Registry presented the results of the Staff Engagement Pulse Survey and indicated the steps that were being taken to address the issues identified. The Judiciary, the Office of the Prosecutor, the Staff Union Council, the Focal Point for Gender and Equality, the Ombuds, and the Head of the Independent Oversight Mechanism also commented. The Chair of the IER Experts, Mr. Richard Goldstone, reminded the meeting that working culture was a priority issue. Speakers stressed the importance of keeping this topic under review after the life of the Review Mechanism had ended.

As regards the “Matrix - Progress in the assessment of the IER recommendations”, the document had been updated and circulated to States Parties and all stakeholders on 6 September 2024. All recommendations had been assessed with the exception of R78 and R140, and he encouraged the respective facilitations, the Working Group on Amendments and the arrears/budget facilitations, to complete their assessment as soon as possible and to inform the Review Mechanism of the outcome thereof. The Matrix would then be updated to reflect the status of the assessment of all 384 recommendations.

The Review Mechanism planned to hold a plenary discussion at the twenty-third session of the Assembly, on Wednesday, 4 December, from 15:00 to 16:30 hours. Information on the plenary would be sent to States Parties and all stakeholders in advance of the session. The Mechanism would complete its work at the end of 2024, and he was of the view that future work on some topics should be continued by existing or other facilitations, e.g. working culture, Trust Fund for Victims.

2. Preparations for the twenty-third session of the Assembly

The President noted that documentation for the twenty-third session would be posted on the Assembly website¹ as soon as it became available. The annotated list of items agenda had already been posted and more documentation would follow in the coming weeks.

a) Elections

i. Advisory Committee on Nominations of Judges

The Bureau took note of the status of nominations for the election of the members of the Advisory Committee on Nominations of Judges, i.e. that nine candidates had been nominated for election to nine seats.² Since the number of candidates corresponded to the number of seats, the Bureau recommended that the Assembly dispense with a secret ballot and elect the following nine candidates by acclamation:

- Mr. Julian Fernandez (France);
- Mr. Robert Fremr (Czech Republic);
- Mr. Guido Hildner (Germany);
- Ms. Milica Kolaković-Bojović (Serbia);
- Mr. O-Gon Kwon (Republic of Korea);
- Mr. Jaime Moscoso Valenzuela (Chile);
- Ms. Ngozika Okaisabor Uwazurunonye (Nigeria);
- Mr. Diego Pary Rodríguez (Bolivia); and
- Mr. Mauro Politi (Italy).

ii. Board of Directors of the Trust Fund for Victims

The Bureau took note of the status of nominations for the election of the members of the Board of Directors of the Trust Fund for Victims, i.e. that six candidates had been nominated for election to five seats.³ The Bureau requested the two nominating States from the African Group⁴ to consult in order to identify one candidate for election to the seat allocated to the African Group.

iii. Committee on Budget and Finance

The Bureau took note that, at the end of the second extension of the nomination period for the election of five new members of the Committee on Budget and Finance on 22 September 2024, two nominations had been pending: one from the group of Eastern European States and one from the Group of Latin American and Caribbean States.⁵ Accordingly, on 23 September 2024, pursuant to resolution ICC-ASP/1/Res.5, the President had extended the nomination period for a third and final time, until 6 October 2024. On 25 September 2024, the Secretariat had received a nomination from the Group of Latin American and Caribbean States. The President encouraged States Parties from the Eastern European group to consider nominating a candidate for election before the end of the extended nomination period on 6 October 2024.

b) Credentials Committee

The Bureau recalled 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 reiterated her request to Bureau members to consult within their regional groups to identify States

¹ <https://asp.icc-cpi.int/sessions/documentation/23rd-session>.

² <https://asp.icc-cpi.int/elections/advisorycommitteenominations/ACN2024/Nominations>.

³ <https://asp.icc-cpi.int/elections/trust-fund-for-victims/2024-8th-Election>.

⁴ Democratic Republic of the Congo and Sierra Leone.

⁵ <https://asp.icc-cpi.int/elections/committee-on-budget-and-finance/2024>.

willing to be appointed to the Committee and to inform the Secretariat about the respective candidates, preferably before the end of October 2024.

c) Nomination of a Rapporteur

Further to a nomination from the Group of Latin American and Caribbean States, the Bureau agreed to recommend that the Assembly appoint Ambassador Roberto Calzadilla Sarmiento (Bolivia) as the Rapporteur for the twenty-third session, on the understanding that the Rapporteur for the twenty-fourth session would be from the Asia-Pacific Group.

d) Programme of work

The Bureau adopted the updated programme of work for the twenty-third session,⁶ dated 27 September 2024, on the understanding that that it would be updated further in the coming weeks.

3. IOM evaluation of the Secretariat of the Assembly

The Bureau continued its consideration of the report of the Independent Oversight Mechanism on the evaluation of the Secretariat of the Assembly of States Parties. The Bureau was briefed by Ambassador Jaime Moscoso Valenzuela, focal point on Budget Management Oversight, on the discussions which had taken place in that context. The Bureau was also briefed by Vice-President Margareta Kassangana on the ongoing discussions that were taking place in the Hague Working Group.

4. Status of contributions

The Bureau took note that, as at 30 September 2024, the Court had received 92 per cent of the assessed contributions to the approved budget for 2024. The total amount of outstanding contributions was €33.5 million, of which €15.7 million related to the 2024 budget, and €17.8 million to prior years. A total of 27 States Parties had outstanding contributions of more than one year, and 13 of those were ineligible to vote under article 112, paragraph 8, of the Rome Statute. The President encouraged all States Parties to make their contributions to the budget of the Court as soon as possible.

The President recalled that the Bureau needed to return to the topic of criteria for assessing requests for waivers from the loss of voting rights. She encouraged Bureau members to continue discussing the topic and to approach her with any proposals thereon.

5. Other matters

a) Recruitment of the Head of the Independent Oversight Mechanism: update

The Bureau took note that the selected candidate, Mr. Silvain Sana (Burkina Faso), had accepted the offer of appointment and would thus assume the post of Head of the Independent Oversight Mechanism on 1 November 2024.⁷

The President noted that the outgoing Head of the Independent Oversight Mechanism, Mr. Saklaine Hedaraly, would conclude his term on 31 October 2024. She expressed appreciation, on behalf of the Bureau and the Assembly, for his contribution to the Court and the Rome Statute system.

⁶ https://asp.icc-cpi.int/sites/default/files/asp_docs/ASP23-ProvWP.pdf.

⁷ On 10 October 2024, the President was informed that, due to unforeseen circumstances, Mr. Sana's entry on duty had to be postponed and he was expected to assume the post on 2 December 2024.

b) Recruitment of the Director of the Secretariat of the Assembly: update

As regards the recruitment of the Director of the Secretariat of the Assembly, pursuant to the terms of reference adopted by the Bureau,⁸ the President had been informed that the recruitment panel appointed by the Bureau had shortlisted nine candidates. All nine candidates had been invited to take a written test on 1 October 2024, and interviews were planned for the last week of October. The report of the recruitment panel was expected by mid-November.

The President recalled that, according to the terms of reference for the recruitment panel adopted by the Bureau, “[t]he 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. 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.”⁹ The Bureau agreed, in principle, to hold interviews on 28 November 2024 in The Hague with the candidate(s) recommended by the recruitment panel.

In light of the fact that the current Director of the Secretariat would end his term on 31 October, the Bureau agreed to the President’s proposal regarding the appointment of a Director ad interim for the period from 1 November to 31 December 2024.

c) UNGA high-level week

The President thanked States Parties for the strong statements in support of the Court during the United Nations General Assembly high-level week.

d) Visit of the President to New York

The President recalled that she planned to visit New York during the week of 21 October (International Law Week), and would be available to meet with delegations during that visit.

e) Next meetings

The President noted that she intended to convene an in-person meeting of the Bureau in New York on 23 October 2024 to discuss the preparations for the review of the amendments on the crime of aggression and the draft summary of views expressed on the composition of the Bureau. The possibility to participate in that meeting via remote link was being looked into. In addition, on 6 November 2024, a meeting of the Bureau would take place via remote link. The President also planned to convene an in-person meeting of the Bureau in The Hague on 28 November 2024.

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⁸ See agenda and decisions of the thirteenth meeting of the Bureau, held on 13 December 2023, annex, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau13-Agenda-Decisions.pdf.

⁹ Ibid, para. 25.