



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Eleventh meeting

23 October 2024

(New York and virtual)

Agenda and decisions

The meeting was chaired by the President of the Assembly, Ambassador Päivi Kaukoranta (Finland).

1. Preparations for the review of the amendments on the crime of aggression

The Bureau received an interim oral report on the consultations undertaken by the focal point on the preparations for the review of the amendments on the crime of aggression, Ms. Elisa De Raes (Belgium).¹

In addition to the documentation sent via email, each State Party has been contacted bilaterally. The focal point had conducted consultations with 75 States Parties and intended to follow up with the remaining States Parties before the beginning of November. She would then submit a written report in advance of the 6 November meeting of the Bureau.

As regards key trends on the venue of the review, the focal point noted that most States Parties preferred to meet at the United Nations Headquarters in New York, mainly due to inclusivity as all States are represented there and the lower budgetary implications. Some States Parties indicated that they were flexible, did not have a preference or were open to a possibility of a third venue. The focal point noted that the States Parties which previously indicated the possibility of hosting a Review Conference had not received the final confirmation from their authorities.

As regards the venue for preparatory work, most States Parties preferred New York, with some indicating that both The Hague and New York should be involved. Some also mentioned that the experts in capitals would have to be involved. In order to accommodate this, the focal point noted that the option of hybrid meetings could be considered.

As regards the format for the preparatory work, the majority of States Parties preferred States Parties as decision-makers with Observer and invited States, as well as international organizations/entities dealing with crime of aggression/related crimes, and non-governmental organizations as participants to ensure the inclusivity. The review itself would have a similar format.

¹ The background documentation included a 3 September paper with six questions, as well as a 13 September paper containing the tentative costs of some of the venues; both were disseminated to all States Parties.

In regards to the dates of the Review Conference, the majority of States Parties indicated a preference not to have it directly after the twenty-fourth session of the Assembly in December 2025, while some States expressed flexibility. Most preferred to avoid both the end of the summer of 2025, due to high-level week preparations at UNHQ, the autumn because of the UNGA Sixth Committee meetings, and also the mid-summer due to summer leave of some delegates. Most delegations preferred the end of June and the beginning of July.

As far as the duration, a majority of States Parties indicated three days, with many expressing their flexibility on the matter.

In addition, some States Parties pointed out that the ratification of the Kampala amendments takes more time than what was perhaps expected when they were adopted, and that a reflection on the universality of the amendments would be timely. Some States Parties indicated that they have started the parliamentary process to ratify the Kampala amendments, others stated that they are trying to finalize the administrative phase in order to propose the amendments at the national level.

As regards the availability of conference rooms with interpretation, the United Nations has indicated the availability for the following periods: 30 June to 3 July, 7 to 11 July, or 13 to 18 July 2025.

The focal point indicated that if the Bureau agrees on the venue and dates, the Secretariat could then formally request the United Nations to reserve a large conference room for three to five working days. The UN then requires the advance payment for the interpretation services.

She also noted that no proposals on substance had been submitted, noting that the Working Group on Amendments would be the forum for such proposals to be discussed.

Some Bureau members indicated that end of June/beginning of July 2025 were good options. It was noted that dates as of 14 July 2025 should be avoided due to the High Level Political Forum taking place at UNHQ.

Bureau members concurred with the need for the preparatory process to be clear, indicating that delegations in The Hague, New York and capitals should be included. Furthermore, it was noted that it would be necessary to start working on the substance of the review.

The Secretariat noted that a decision on the dates should be linked to the availability of interpretation (tentative daily costs of €11,500 for six languages), along with a large conference room. It was noted that once the Bureau makes its recommendation on the dates and duration, the tentative costs could be prepared more accurately by the Secretariat of the Assembly and the UN Secretariat. The Secretariat would have to confirm the dates with the United Nations by the end of the twenty-third session of the Assembly to formalize the reservation of the conference room and the interpretation services. The Secretariat also noted that it may be difficult to cancel additional days once reserved as there may be fixed costs the United Nations would be committed to. Furthermore, the Secretariat indicated that there is always a risk at UNHQ that the rooms could be cancelled if a need arises for a United Nations related meeting. Thus the need to secure the reservation as soon as possible.

The President noted that the oral report of the focal point provided already clear trends and preferences of States Parties. There was, however, a need to allow the focal point to consult the rest of the States Parties before the Bureau proceeds in its next meeting with its recommendation on venue, dates and duration. She also invited States Parties to submit proposals on the substance before the Assembly session in order to guide delegations on the work ahead.

2. Composition of the Bureau

The President recalled the mandate of the Assembly to the Bureau on this issue at its twenty-second session.² The Bureau had discussed the topic at a number of meetings, including at a dedicated meeting on 18 July. The Bureau had before it a draft summary of views expressed, dated 25 September 2024, which the President had prepared.

In commenting, some States recalled that the Assembly had agreed on the two-step process to be followed at the twenty-second session and that process was not to be renegotiated in the upcoming Assembly. It was stated that the paper recognized, *inter alia*, the current geographical imbalance of the Bureau; that there seemed to be an emerging consensus that the Rome Statute should not be amended; that there were five core functions of the Assembly; and that it was possible to increase participation in the Bureau meetings without increasing the membership. It was recalled that in the past, the Chair of the Credentials Committee had been invited to participate in Bureau meetings. Rotation of seats was also mentioned as one solution. A view was expressed that the paper addressed the concerns of many States Parties and that equitable geographical representation remained crucial for the Court.

Some States made drafting suggestions on the draft summary of views.

The President indicated that, together with the Secretariat, she would take into account these suggestions so that at the next meeting, the Bureau could finalize the text.

3. Other matters

a) Recruitment of the Head of the IOM: update

The President referred to her 17 October 2024 communication to the Bureau that, due to unforeseen circumstances, the selected candidate for the post of Head of the Independent Oversight Mechanism had to postpone his entry on duty by one month. She had proposed to extend the term of the current Head, Mr. Hedaraly, by one month, on an exceptional basis, in order to avoid a vacancy in that important role. As there had been no objections by the deadline given, she had proceeded to request that the Registrar make the necessary arrangements.

b) Recruitment of the Director of the Secretariat: update

As regards the vacancy in this position while the recruitment process continued, and following the Bureau's discussion at its tenth meeting, arrangements had been being made for Ms. Christiane Bourloyannis to take up the role on a temporary basis as of 1 November 2024.

As it was the last Bureau meeting for the outgoing Director, Mr. Renan Villacis, she thanked him for his many years of dedicated service to the Secretariat, the Assembly, and the Rome Statute system.

c) IOM annual report

The President recalled that on 18 October 2024, the Bureau had received the Annual report of the Head of the Independent Oversight Mechanism.³ She planned to invite the Head of the IOM to attend the 28 November meeting of the Bureau, in order to present the report.

² ICC-ASP/22/Res.3, annex I, para. 11 (i).

³ ICC-ASP/23/18: https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-23-18-ENG.pdf

d) IOM draft evaluation policy

The President referred to the 4 October 2024 letter from the Head of the IOM addressed her conveying the draft evaluation policy of the ICC. She noted that the draft policy had been discussed in the facilitation on the review of the work and operational mandate of the IOM on 14 October and that draft resolution language would be considered in that context.

e) General Assembly debate on the ICC

The President welcomed the efforts undertaken by States Parties on the draft General Assembly resolution on the report of the ICC, which was being coordinated by the Netherlands. She encouraged them to take the floor in support of the Court during the General Assembly plenary debate on 28 October 2024.

f) Confidential letter

The President briefed the Bureau on a confidential letter, dated 18 October 2024, addressed to the President of the Assembly.

g) Amendments to the Regulations of the Court

On 21 October 2024, States Parties had received a communication from the Secretariat informing them that the judges had adopted amendments to the Regulations of the Court. The amendments concerned the presentation of the document containing the charges, and the decision of the Pre-Trial Chamber to confirm or decline charges. The Secretariat had circulated the amendments to States Parties for comments, pursuant to article 52, paragraph 3, of the Rome Statute. If there no objections were received from a majority of States Parties within six months, i.e. by 21 April 2025, the amendments would remain in force. The President requested delegates to draw the amendments to the attention of their capitals, as well as the provision of article 52(3) regarding the six-month period for comments.

h) Travel of the President

The President would travel to Johannesburg to participate, on 30 and 31 October, in a meeting organized by Africa Legal Aid on the review of the Kampala amendments on the crime of aggression, entitled “Mobilising African States Parties to the ICC to raise awareness and generate ownership”. She welcomed the high-level participation by African States Parties in that meeting and looked forward to the discussions.

i) Next meetings

The Bureau would hold its next regular meeting on 6 November 2024, and a meeting in the afternoon of 28 November, in The Hague, to discuss any updates to the Assembly work programme, and possibly to conduct interviews with the recommended candidates for Director.

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j) Access of journalists to the Assembly sessions

A Bureau member queried whether there were new rules governing access of journalists to ASP sessions.

The Director of the Secretariat confirmed receipt of a communication in that regard and stated that the ASP's procedures remained unchanged. The Secretariat had developed guidance for press over 15 years ago, based on the practice of other international organizations, including the United Nations. Its role was to ensure the safety of State Parties at Assembly sessions. Following best practices, the Secretariat issued press advisories before each session, which were posted on the ASP webpage.⁴ Journalists were invited to attend the Assembly sessions, with designated areas separate from delegates, and could attend plenary sessions but not closed meetings.

He noted that the ICC had lately been operating in a more challenging environment. In light of requests from some NGOs at the twenty-second session, the former President had requested participants to limit taking photographs of persons present, even during plenary sessions.

The President informed the Bureau, in addition, that some journalists had expressed concern about the dates of the Assembly session overlapping with ICJ hearings, but no changes could be made since the Assembly dates had been set in December 2023, before the ICJ hearings were announced.

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⁴ https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP22-MA.pdf