



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Twelfth meeting

6 November 2024

(hybrid format)

Agenda and decisions

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

1. Decision of Pre-Trial Chamber II in the situation in Ukraine (24 October 2024)

The Bureau took note of the 24 October 2024 finding of Pre-Trial Chamber II in the situation in Ukraine (ICC-01/22-90). The Bureau also took note of the statement delivered by the requested State Party and of its request for leave to appeal to Pre-Trial Chamber II, alongside its application for the disqualification of certain judges to the Presidency of the Court and its urgent request with the Appeals Chamber.¹ The Bureau decided to defer the matter until all proceedings before the Court had concluded.

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

a) Elections

i. Board of Directors of the Trust Fund for Victims

The President recalled 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.² The Bureau requested the two nominating States from the African Group³ to continue to consult in order to identify one candidate for election to the seat allocated to that group.

ii. Committee on Budget and Finance

The Bureau took note that, at the close of the third and final extension of the nomination period for the election of five new members of the Committee on Budget and Finance on 6 October 2024, four candidates had been nominated for election to five seats.⁴ The Bureau recommended that the Assembly dispense with a secret ballot and elect the following four candidates by acclamation:

¹ The requested State Party was invited to the meeting pursuant to paragraph 14(c) of the Assembly procedures relating to non-cooperation (ICC-ASP/10/Res.5, as amended by ICC-ASP/11/Res.8, annex I, and ICC-ASP/17/Res.5, annex II).

² <https://asp.icc-cpi.int/elections/trust-fund-for-victims/2024-8th-Election>.

³ Democratic Republic of the Congo and Sierra Leone.

⁴ <https://asp.icc-cpi.int/elections/committee-on-budget-and-finance/2024>.

- Mr. Jae Woo Kim (Republic of Korea);
- Mr. Héctor Félix Romero (Argentina);
- Mr. Mustapha Samateh (Gambia); and
- Ms. Glory Geoffrey Sindilo (Tanzania).

The Bureau took note that there would be a vacancy in the seat allocated to the Eastern European Group, for which no nominations were received. The Bureau would return to the matter of the vacancy in 2025.

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 Bureau agreed to recommend that the Assembly appoint Mexico, Netherlands, Panama and Switzerland to the Credentials Committee. The Bureau requested regional groups that had not yet done so to inform the Secretariat, as soon as possible, which States had been nominated to serve on the Credentials Committee.

c) Programme of work

The Bureau agreed to modify the programme of work for the Assembly session so as to include a signing ceremony for an agreement on the enforcement of sentences between Latvia and the President of the Court on the morning of 2 December 2024.

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

The Bureau continued its consideration of the mandate relating to the review of the amendments on the crime of aggression foreseen by the Kampala Review Conference,⁵ as referenced in the omnibus resolution adopted at the twenty-second session of the Assembly.⁶ The Bureau had before it the written report of the focal point on the preparations for the review of the amendments on the crime of aggression,⁷ Ms. Elisa De Raes (Belgium), dated 4 November 2024, as well as updated tentative costings for a meeting at United Nations Headquarters in New York.

The focal point noted that, pursuant to the mandate granted by the Bureau, she had approached all States Parties bilaterally to gather their views on the venue, format, dates and duration of the review. She had received 86 responses. She had also gathered views on an optional question concerning the scope and objective of the review.

As regards the venue of the review, a clear majority of States Parties preferred the United Nations Headquarters in New York, both for the review itself and the preparatory work. As regards the latter, some States observed that The Hague should also be involved. In terms of the format for the preparatory work, a clear majority preferred a format whereby States Parties would be the decision-makers, with participation open to Observer States, international organizations and entities dealing with the crime of aggression and related crimes, as well as non-governmental organizations. As regards the dates of the review, taking into account other meetings planned during 2025, there was a clear preference for the end of June or early July. For the duration of the review, the overwhelming majority preferred three days, or even more. The focal

⁵ Resolution RC/Res.6, para. 4: “*Further decides* to review the amendments on the crime of aggression seven years after the beginning of the Court’s exercise of jurisdiction”.

⁶ Resolution ICC-ASP/22/Res.3, para. 157: “*Recalls* the decision taken by the first Review Conference to review the amendments on the crime of aggression seven years after the beginning of the Court’s exercise of jurisdiction and *notes* that this review is to be prepared ahead of 17 July 2025”.

⁷ ICC-ASP/23/33.

point noted that the United Nations had indicated that an appropriate conference room would be available from 30 June to 3 July 2025 (for a maximum of four days) or from 7 to 11 July 2025 (for a maximum of five days). She emphasized that it would be important to make a tentative reservation as soon as possible in order to secure the conference room.

The Bureau agreed that the review be held at United Nations Headquarters in New York, from 7 to 9 July 2025, for a period of three working days. The draft resolution language recommended by the focal point (see annex) would be conveyed to the facilitator on the omnibus resolution on that basis.

4. Annual report of the Head of the IOM

The Head of the Independent Oversight Mechanism (IOM), Mr. Saklaine Hedaraly, presented the annual report for the period from 1 October 2023 to 30 September 2024,⁸ submitted pursuant to the revised operational mandate contained in resolution ICC-ASP/19/Res.6⁹ and disseminated on 18 October 2024.

The Bureau was informed about the measures taken by the competent organ of the Court as a result of the investigation into allegations of workplace harassment and abuse of authority by an elected official referred to in paragraphs 11 to 15 of the annual report. A written reprimand and a pecuniary sanction of three months' salary had been imposed. The execution of the disciplinary measures had been suspended until a decision on any appeal had been rendered, or the time limit to file an appeal had expired.

Noting that Mr. Hedaraly's term as Head of the IOM would end on 30 November 2024, the President expressed her appreciation, on behalf of the Bureau and the Assembly, for his important contribution to the Court and the Rome Statute system.

5. Communication by the Prosecutor to the Head of the IOM (28 October 2024)

The President recalled her public statement of 24 October 2024 concerning public reports regarding alleged misconduct by the Prosecutor towards a member of his Office.¹⁰ She noted that, on 28 October 2024, the Prosecutor had requested the Head of the IOM to "open an immediate investigation under the umbrella of the IOM into misconduct allegations and surrounding circumstances relating to the official processes of the Court and what appears to be disinformation".¹¹

The Bureau was briefed by the Head of the IOM on the IOM's assessment of the request and its reasons for closing the investigation. The Head of the IOM stated that, given the particular circumstances of the case, including perceptions of possible and future conflicts of interest, should the alleged victim indeed wish for an external investigation, the IOM would have no objection.

The Bureau agreed that the President should explore possibilities for an external investigation of the allegations, in consultation with the Vice-Presidents, and keep the Bureau informed.

6. Adoption of reports

The President recalled that the Bureau had adopted the report of the focal point on Budget Management Oversight on 1 November 2024. All other reports would be submitted for adoption via silence procedure, once they had been agreed in the respective working groups.

⁸ ICC-ASP/23/18.

⁹ Annex II.

¹⁰ Available at: <https://asp.icc-cpi.int/press-releases/PR-20241024>.

¹¹ <https://x.com/karimkhanqc/status/1850910371345035700?s=46>.

7. Status of contributions

The Bureau took note that, as at 31 October 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 €32.7 million, of which €14.9 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 Bureau took note that, on 28 October 2024, the Secretariat had sent notes verbales to the 13 States subject to the loss of voting rights, informing them of the level of their arrears and the minimum payment required in order to regain the right to vote.

The President recalled the Bureau's prior discussions on the topic of criteria for assessing requests for waivers from the loss of voting rights. She noted that the development of possible criteria for adoption by the Assembly would need to be taken up in 2025, and the Bureau would therefore need to decide what recommendation it would make to the Assembly regarding requests for waivers at the upcoming session in the absence of agreed criteria. The Bureau would return to the topic at its next meeting.

8. Other matters

a) Ratification of the Rome Statute by Ukraine

The Bureau welcomed the ratification of the Rome Statute and amendments by Ukraine on 25 October 2024,¹² and took note that the Statute will enter into force for Ukraine on 1 January 2025. Two Bureau members noted the declaration made by Ukraine under article 124 of the Rome Statute.

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,¹³ the President had been informed that the recruitment panel had held interviews with a total of five candidates on 31 October and 1 November. The panel aimed to submit its report to the Bureau by mid-November. Arrangements could then be made for the Bureau to conduct interviews with the recommended candidate(s) during the 28 November meeting of the Bureau, which would take place in The Hague.

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¹² See Depositary Notifications [C.N.440.2024](#), [C.N.441.2024](#), [C.N.442.2024](#), [C.N.443.2024](#), [C.N.444.2024](#), [C.N.445.2024](#) and [C.N.446.2024](#) which were issued on 25 October 2024 by the United Nations Secretary-General in his capacity as depositary of the Rome Statute of the International Criminal Court.

¹³ 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.

Annex

Draft language for inclusion in the omnibus resolution to be adopted at the twenty-third session of the Assembly

Recalls the decision taken by the first Review Conference to review the amendments on the crime of aggression seven years after the beginning of the Court's exercise of jurisdiction, and the decision by the Assembly that this review is to be prepared ahead of 17 July 2025;¹⁴

Takes note of the report of the focal point on the preparations for the review of the amendments on the crime of aggression;

Decides that the review shall be held at United Nations Headquarters, from 7 to 9 July 2025, for a period of three working days;

Further requests the President of the Assembly of States Parties, with support of the Bureau, to continue the preparations for the review of the amendments on the crime of aggression, including practical and organizational issues.

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¹⁴ ICC-ASP/22/Res.3, para. 157.