



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Thirteenth meeting**

**28 November 2024**

**(The Hague)**

Agenda and decisions

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

**1. Review Mechanism: update**

Ms. Paulina Dudzik (Poland), a representative of one of the ad country focal points on the Review Mechanism, briefed the Bureau on the work of the Review Mechanism in 2024. She recalled that the primary focus of the discussions in 2024 had been developing a tenure policy for staff of the Court at P5 and D1 levels. Another important topic was the introduction of a moratorium on the recruitment of staff from non-States Parties, for which a proposal had been agreed by States Parties on 16 October. The Review Mechanism had also held a roundtable on “workplace culture” on 30 September 2024, which addressed ongoing challenges and progress related to workplace culture at the Court.

At the 22 October meeting of the Review Mechanism, States Parties had a preliminary discussion on three draft resolutions relating to: (a) the tenure policy; (b) a moratorium on the recruitment of staff from non-States Parties; and (c) the review of the International Criminal Court and the Rome Statute system. All three resolutions had been agreed ad referendum at the 18 November meeting. The resolutions would be included as annexes to the report of the Review Mechanism, to be submitted pursuant to resolution ICC-ASP/22/Res.6.

Having completed the work on the tenure policy and the moratorium, the Review Mechanism had concluded its mandate. At the twenty-third session of the Assembly, on 4 December at 15:00 hours, the Review Mechanism would hold a plenary session to discuss the road travelled and the way forward for the work on the review of the Court and the Rome Statute system. It was proposed that the Bureau would determine the appropriate forum for overseeing the implementation of recommendations on topics for which the Review Mechanism had taken responsibility, in particular: working culture; relations with civil society and media; implementation of the tenure policy; implementation of the moratorium on the recruitment of staff from non-States Parties; and the Trust Fund for Victims. The Assembly would also request the Bureau, through the relevant Assembly mandate-holders, to continue to oversee implementation of the recommendations, and to report to the twenty-fourth session of the Assembly on the outcome of their consideration, including on action already taken and proposals for the next steps.

The Review Mechanism looked forward to the participation of States Parties and all stakeholders at the plenary on 4 December, and was grateful for the constructive engagement from all stakeholders, as well as all the support received throughout its mandate.

## **2. Recruitment of the Director of the Secretariat of the Assembly: panel report**

As the report of the recruitment panel for the Director of the Secretariat of the Assembly had not yet been submitted, the Bureau deferred its consideration of this item to a future meeting.

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

The Bureau continued its consideration of the preparations for the review of the amendments on the crime of aggression scheduled to take place at the United Nations Headquarters in New York from 7 to 9 July 2025. The President indicated that a meeting room had been tentatively reserved for those dates. Updated figures for the costs of the meeting had been prepared, and had been conveyed to the budget facilitator so that they could be taken into account in the budget to be adopted by the Assembly. The President would continue to keep the Bureau informed on the preparations for the review.

The Bureau confirmed that the review would take the format of a special session, pursuant to article 112, paragraph 6, of the Rome Statute.

As regards the substance of the review, States Parties had received a copy of a letter from the Permanent Representatives of Costa Rica, Sierra Leone, Vanuatu, Germany and Slovenia to the United Nations, dated 8 November 2024. The letter conveyed a discussion paper entitled “Harmonizing the ICC’s Jurisdiction over all Four Rome Statute Crimes”, which set out options for possible amendments.

## **4. Preparations for the twenty-third session of the Assembly**

### *a) Election of five members of the 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.<sup>1</sup> The Bureau requested the two nominating States from the African Group<sup>2</sup> to continue to consult in order to identify one candidate for election to the seat allocated to that group.

As regards the other seats, the Bureau recommended that the Assembly dispense with a secret ballot and elect the following four candidates by acclamation:

- Mr. Tareque Muhammad (Bangladesh);
- Mr. Andres Parmas (Estonia);
- Ms. Mônica Jacqueline Sifuentes (Brazil); and
- Mr. Kevin Kelly (Ireland).

### *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 Estonia and Japan to the Credentials Committee. The President encouraged further nominations, including to ensure that all regional groups were represented on the Committee.

### *c) Programme of work*

The Bureau adopted an updated programme of work for the twenty-third session of the Assembly, dated 27 November.

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<sup>1</sup> <https://asp.icc-cpi.int/elections/trust-fund-for-victims/2024-8th-Election>.

<sup>2</sup> Democratic Republic of the Congo and Sierra Leone.

## **5. Adoption of reports**

The President noted that the Bureau had adopted the following reports via silence procedure, and that the reports had been issued as official documents of the twenty-third session of the Assembly:<sup>3</sup>

- Report of the focal point on premises, adopted on 14 November 2024 (ICC-ASP/23/30, annex II);
- Report of the Bureau on the Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court, adopted on 14 November 2024 (ICC-ASP/23/22);
- Report of the Bureau on the work and operational mandate of the Independent Oversight Mechanism, adopted on 18 November 2024 (ICC-ASP/23/27);
- Report of the Bureau on complementarity, adopted on 20 November 2024 (ICC-ASP/23/24);
- Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court, adopted on 22 November 2024 (ICC-ASP/23/28);
- Report of the Bureau on arrears, adopted on 27 November 2024 (ICC-ASP/23/16);
- Report of the Bureau on the Study Group on Governance, adopted on 27 November 2024 (ICC-ASP/23/9);
- Report of the Bureau on legal aid, adopted on 27 November 2024 (ICC-ASP/23/11).

The Bureau adopted the draft report on cooperation, with an amendment to the proposed cooperation resolution language to reference the signature of an agreement on the enforcement of sentences between Poland and the President of the Court which was planned to take place on 3 December 2024. The Bureau also adopted the draft report on the review of the procedure for the nomination and election of judges. The President noted that consultations were ongoing regarding the draft report on non-cooperation.

## **6. Oral report of the Bureau**

The Bureau adopted the draft oral report of the Bureau with some small amendments. The President noted that the written summary of views expressed on the composition of the Bureau, which was agreed by the Bureau on 5 November 2024, would be annexed to the report.

## **7. Arrears: requests for waivers from the loss of voting rights**

The President recalled the Bureau's prior discussions on the topic of criteria for assessing requests for waivers from the loss of voting rights pursuant to article 112, paragraph 8, of the Rome Statute.<sup>4</sup> She noted that the development of possible criteria for adoption by the Assembly would need to be taken up in 2025, through consultations amongst all States Parties.

The Secretariat had received requests for waivers from the loss of voting rights from Liberia and Venezuela. The Bureau agreed to grant requests for waivers from the loss of voting rights at the twenty-third session of the Assembly, while emphasizing that consultations needed to continue on the development of agreed criteria for assessing such waivers in the future.

## **8. Discussion on threats against the Court**

The Bureau received a briefing by the Registry on threats against the Court and the measures being taken. Pursuant to the strategy adopted by the Bureau on 29 July 2022 for responding to threats

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<sup>3</sup> <https://asp.icc-cpi.int/sessions/documentation/23rd-session>.

<sup>4</sup> Article 112, paragraph 8, of the Rome Statute provides as follows: "A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party".

or attacks against the Court, its officials and those cooperating with it,<sup>5</sup> the President noted that the Bureau would continue to monitor the situation closely, and may consider possible measures, as appropriate.

## 9. Other matters

### a) *List of meetings of subsidiary bodies of the Bureau held in private in 2024*

Pursuant to the “Understanding on the participation of Observer States in meetings of the Assembly of States Parties”, which the Bureau adopted on 18 October 2017,<sup>6</sup> the Bureau took note of a list of meetings of subsidiary bodies of the Assembly held in 2024 which were either wholly or partially open to States Parties only.

### b) *Vacancy on the Committee on Budget and Finance*

The Bureau took note of a note verbale from the Embassy of Slovakia, dated 11 November, by which it conveyed a letter of resignation from a member of the Committee on Budget and Finance, Ms. Elena Sopková. The President noted that the Bureau would return to the matter of the two vacancies on the Committee from the Eastern European Group in 2025.

### c) *Confidential letter*

The President briefed the Bureau on a confidential letter, dated 7 November 2024, addressed to the President of the Assembly.

### d) *Update on external investigation*

The President referred to her statement of 11 November 2024 in which she had indicated that she was seeking, on behalf of the Assembly Presidency, an external investigation into the matters related to alleged misconduct by the Prosecutor.<sup>7</sup> She briefed the Bureau on the steps being taken in regard to the external investigation.

### e) *IOM evaluation of the Secretariat*

Further to discussions within the Hague Working Group on the IOM evaluation of the Secretariat of the Assembly, the Bureau agreed to submit to the omnibus facilitator the draft resolution language which had been agreed in the working group, with a technical adjustment (see annex I).

### f) *Regional representations*

The President recalled that, at its fifth meeting on 8 May 2024, the Bureau had referred to the Hague Working Group the consideration of the report of the Court on the desirability and feasibility of establishing regional representations. She noted that the working group had agreed draft language to update the original mandate contained in the omnibus resolution (see annex II). Discussions on the topic of regional representations would continue in 2025.

### g) *Next meeting*

The President noted that the next meeting would take place during the Assembly session. Bureau members would receive an invitation as soon as the date and time had been confirmed.

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<sup>5</sup> The strategy adopted by the Bureau on 29 July 2022 is available at: <https://asp.icc-cpi.int/sites/asp/files/2022-08/Bureau-Proposal-Rec-169-ENG.pdf>. An annex containing a compilation of good practices approved by the Bureau on 2 December 2022 is available at: <https://asp.iccpi.int/sites/asp/files/2022-12/PASP-Request-R169-Good-Practices.pdf>.

<sup>6</sup> [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/Bureau/ASP2017-Bureau06-decision-ENG-ObsvrStates.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/Bureau/ASP2017-Bureau06-decision-ENG-ObsvrStates.pdf).

<sup>7</sup> Available at: <https://asp.icc-cpi.int/press-releases/PR-20241111>.

## **Annex I**

### **Draft language for the omnibus resolution on the IOM evaluation of the Secretariat of the Assembly**

*Recalls* that there is only one Secretariat of the Assembly of States Parties established to provide the Assembly, its Bureau and subsidiary bodies with substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities;

*Recalls* that further to the discussions held under the Budget Management Oversight topic, States Parties agreed with the last part of recommendation 4 of the former External Auditor, “to suppress the Executive Secretariat, in order to restore the principle of subsidiarity of the governance oversight organs towards the Assembly”;<sup>8</sup>

*Decides* that the overall responsibility to ensure the provision of substantive and technical support to the Committee on Budget and Finance, as well as to the Audit Committee, falls upon the Director of the Secretariat of the Assembly of States Parties, who is entrusted with making the most efficient use of all the resources of Major Programme IV in accordance with the principles of effective financial administration and economy, and *notes* that all the staff of the Secretariat should therefore report to the Director of the Secretariat;

*Endorses* the recommendations made by the Independent Oversight Mechanism in its Evaluation of the Secretariat of the Assembly and *decides* that in the first trimester of 2025, the Bureau should proceed with the implementation of the recommendation made by the Independent Oversight Mechanism to redesign the Secretariat along functional lines, with the assistance of the Human Resources Section of the Court, and to undertake, as appropriate, a review of classifications of positions in the Secretariat;

*Decides* that during this transitional period, the P-5 post which was established in December 2012,<sup>9</sup> will report to the Director of the Secretariat.

## **Annex II**

### **Draft language for the omnibus resolution on regional representations of the Court**

*Welcomes* the “Report on the desirability and feasibility of establishing regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute” submitted by the Registrar,<sup>10</sup>

“Mandates” annex:

*Requests* the Bureau, through The Hague Working Group, to continue discussions on the desirability and feasibility of establishing regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute, and *also requests* the Bureau to report on the outcome of the discussions and any recommendations thereon to the twenty-fourth session of the Assembly.

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<sup>8</sup> External Auditor: Final report on the International Criminal Court Governance Oversight (ICC-ASP/20/6), part II, List of recommendations.

<sup>9</sup> Report of the Committee on Budget and Finance on the work of its seventeenth session (ICC-ASP/10/15), para. 122.

<sup>10</sup> CBF/44/17.

### **Annex III**

#### **Decision regarding the proposed programme of evaluation for the Independent Oversight Mechanism (IOM) for 2024-2025, adopted by the Bureau on 12 November 2024**

The Bureau considered the proposed programme of evaluation for the Independent Oversight Mechanism (IOM) for 2024-2025, which contained the following evaluation themes:

- Theme 1: Evaluation of Complementarity: A Country Case Study (2024-2025)
- Theme 2: Evaluation of the Court's Strategic Planning Process and Preparation of the International Criminal Court's Strategic Plan 2026-2028 (2025)
- Theme 3: Evaluation of Financial Investigations, Suspect Tracking and Asset Recovery Capabilities at the ICC (2025-2026)

The Bureau decided to endorse the proposed programme of evaluation, with the extension of the scope of the evaluation listed as theme 2 to include “the relationship of the Strategic Plans to the budget, considering the methodology used by the Major Programmes in formulating the annual budget for approval by the Assembly of States Parties”. The Bureau recommended that the IOM begins with theme 1, and then continues with theme 2 and then theme 3, as time and resources allow.

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