



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Second meeting

6 February 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. Appointment of Assembly mandate-holders

The Bureau was informed that consultations were ongoing to identify candidates for nomination by The Hague and New York working groups as mandate-holders for 2024. The President indicated that the Bureau would take up the appointments once nominations had been made.

As regards the mandate from the Assembly on the composition of the Bureau,¹ which had been allocated to the Bureau itself in the allocation of mandates,² the Bureau agreed to request the Secretariat to prepare a background paper on the topic in order to facilitate the discussion. The composition of the Bureau would then be the focus of a dedicated Bureau meeting. The point was made that the process might benefit from the appointment of a focal point within the Bureau.

The President noted the need to consider preparations for the review of the amendments on the crime of aggression foreseen by the Kampala Review Conference,³ as referenced in the omnibus resolution adopted at the twenty-second session of the Assembly.⁴ The President encouraged Bureau members to begin considering how they wished to approach the topic.

2. Recruitment of the Director of the Secretariat of the Assembly: update

The President recalled the Bureau's 13 December 2023 decision on the recruitment of the Director of the Assembly of States Parties, including the terms of reference for the panel which would assist the Bureau with the recruitment.⁵ 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. The President informed the Bureau that two names had been submitted by States Parties, and one name had been submitted by

¹ Resolution ICC-ASP/22/Res.3, annex I, para. 11(i): “Requests the Bureau to discuss the representative character of its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, and to submit a written summary of views expressed ahead of the twenty-third session of the Assembly, and further requests the Bureau to, in light of the written summary, consult with all States Parties on the topic and submit a report, without prejudice to any course of action, ahead of the twenty-fourth session of the Assembly”.

² See agenda and decisions of the first meeting of the Bureau, held on 17 January 2024, annex, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/2024-Bureau1-Agenda-Decisions.pdf.

³ 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”.

⁴ 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”.

⁵ 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.

the Registrar. As insufficient names had been submitted to appoint five panel members, the Bureau agreed that a further message would be sent to States Parties, inviting the submission of additional names by 29 February 2024.

The Bureau decided that a term limit of seven years would be applied to the appointment of the next Director of the Secretariat of the Assembly, consistent with the term limit of seven years which had been applied to the appointment of the Executive Director of the Secretariat of the Trust Fund for Victims in 2023,⁶ and the tenure policy which was under discussion for staff of the Court at P-5 level and above. It was agreed that applying a term limit of seven years to the appointment of Director was without prejudice to the ongoing discussions on a tenure policy for staff of the Court at P-5 level and above.

The President provided an update on the applications that had been received for the position of Director. A total of 144 applications had been received. As regards the gender distribution of the applicants, 63 per cent of the applicants were male and 37 per cent were female. As regards geographical distribution, 26 per cent of applicants were from the Africa Group, 12 per cent were from the Asia-Pacific Group, 9 per cent were from the Eastern European Group, 11 per cent were from the Group of Latin American and Caribbean States, and 41 per cent were from the Western European and Others Group.

3. Status of contributions

The Bureau took note that, as at 31 January 2024, the Court had received 34 per cent of the assessed contributions to the approved budget for 2024. The total amount of outstanding contributions was €145.1 million, of which €123.2 million related to the 2024 budget, and €21.9 million to prior years. A total of 39 States Parties had outstanding contributions of more than one year, and 16 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 the 30 November 2023 decision⁷ 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. The Bureau decided to request a background paper from the Secretariat and to have an initial discussion on the topic at its fourth meeting in April 2024. The facilitator on arrears, once appointed, would be invited to participate in the discussion.

4. Other matters

a) Ratification of the Rome Statute by Armenia- entry into force

The President recalled that the Republic of Armenia had formally deposited its instrument of ratification of the Rome Statute on 14 November 2023. The Rome Statute had therefore entered into force for Armenia on 1 February 2024. The President formally welcomed Armenia as the 124th State Party to the Rome Statute.

b) Letter from the Chair of the Advisory Committee on Nominations of Judges

The President informed Bureau members that, on 1 February 2024, she had received a letter from the Chair of the Advisory Committee on Nominations of Judges, Ms. Sanji Monageng, outlining

⁶ See regulation 17*bis* of the regulations of the Trust Fund, 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>.

⁷ 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.

the challenges that the Committee faced in fulfilling its mandate to prepare guidelines for national-level nomination procedures by the twenty-third session of the Assembly.⁸ The Chair had noted the difficulties posed by virtual meetings, given the nature of the work and the different locations and time-zones of the members, in light of the fact that the twenty-second session of the Assembly had not approved the funds which the Committee had recommended⁹ for two in-person meetings in 2024. The Chair had also noted the limited number of submissions from States Parties on their national nomination procedures (32). The President indicated that she would meet with the Chair to discuss the matter, and report to the Bureau thereon. She encouraged States Parties that had not yet submitted information on their national nomination procedures to do so as soon as possible.

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⁸ Resolution ICC-ASP/21/Res.2, annex III.

⁹ Report of the Advisory Committee on Nominations of Judges on its ninth session (ICC-ASP/22/4 and ICC-ASP/22/4/Add.1).