



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Fourth meeting

9 April 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. Remarks by the Presidency of the Court

The recently elected President of the Court, Judge Tomoko Akane, the First Vice-President Judge Rosario Salvatore Aitala, and the Second Vice-President, Judge Reine Alapini-Gansou, delivered remarks to the Bureau.

President Akane highlighted the increased challenges faced by the Court in recent years, and expressed a commitment to addressing the challenges through a united Presidency in close coordination with the Prosecutor, Registrar and the Assembly of States Parties. She emphasized the paramount importance of a predictable and stable budget for the Court to carry out its mandate. She outlined a number of priorities as President, including:

- the security of the Court's infrastructure and staff, which required the support of States Parties through the Special Fund for Security;
- close cooperation with the Registry and Office of the Prosecutor to ensure the execution of arrest warrants; and
- the wellbeing of the Court's personnel and improvement to the working culture at the Court, in close cooperation with the Assembly and in line with recommendations of the Independent Expert Review.

Vice-President Aitala outlined the Presidency's fundamental principles of dialogue, respect and unity, which would guide all its actions. He referred to the importance of security of proceedings, personnel and elected officials, a precondition for the Court to achieve its mandate. He recalled that the Court belonged to States Parties, and it was in their interests for it to be secure, safe and resilient to attacks. He emphasized the Presidency's commitment to improving the expeditiousness of proceedings, and referred in this regard to the decisions regarding the calling of judges to full-time service and the appointment of alternate judges. He highlighted the need for cooperation to ensure the execution of arrest warrants. As regards workplace culture, he emphasized the serious commitment of the Presidency to improvements, and to ensuring the Court is a safe, rewarding and enriching environment which attracts the best professionals from around the globe.

Vice-President Alapini-Gansou elaborated on the importance of the wellbeing of staff at the Court, outlining the initial steps taken by the Presidency, including the appointment of a focal point and consultations with all organs and the Staff Union Council. She also highlighted the importance of diversity, geographical representation and gender balance, in enabling the Court to effectively fulfil its mandate.

President Kaukoranta thanked President Akane and Vice-Presidents Aitala and Alapini-Gansou for their remarks, and assured them of the continuous support of the Bureau and States Parties.

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

Pursuant to the 13 December 2023 decision of the Bureau on the recruitment of the Director of the Secretariat of the Assembly,¹ the Bureau decided to appoint the following members of the recruitment panel for the Director of the Secretariat:

- Ms. Flavia Lattanzi (Italy);
- Ms. Prisca Matimba Nyambe (Zambia);
- Mr. João Henrique Ribeiro Roriz (Brazil);
- Mr. Masaru Tsuji (Japan); and
- Ms. Kerli Veski (Estonia).

3. Recruitment of the Head of the Independent Oversight Mechanism: update

As regards the recruitment of the Head of the Independent Oversight Mechanism, pursuant to the terms of reference adopted by the Bureau,² the Bureau took note that a written test had been completed by the shortlisted candidates and interviews were scheduled to take place in early May.

4. Review of the amendments on the crime of aggression

The Bureau continued its consideration of how to proceed with the mandate relating to 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

Support was expressed for commencing discussions on the preparations for the review as soon as possible. A view was expressed that the Working Group on Amendments could be the most appropriate forum for those discussions, possibly through a sub-group.

Some Bureau members considered that it would be appropriate to undertake the review in a special session of the Assembly, rather than including it on the agenda of a regular session. As regards venue, some Bureau members indicated a preference for New York, referring to the budgetary implications as well as the need to enable wide participation. A view was expressed that the review should include non-States Parties and NGOs, who had played an important role at Kampala. As regards the timing of the review, some Bureau members expressed a preference for July 2025, while indicating some flexibility to delay by some weeks or months if necessary.

The President thanked Bureau members and invited them to submit any further suggestions on the topic, approaching her bilaterally if preferred. She indicated the possibility of her making a proposal on the way forward for the consideration of the Bureau. She recalled that the Secretariat of the Assembly would need to include any 2025 programme budget implications in the budget submission which it would convey to the Court in June, in order for States Parties to consider those implications as part of the 2025 proposed programme budget.

¹ 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.

² See agenda and decisions of the tenth meeting of the Bureau, held on 1 November 2023, annex, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau10-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. Composition of the Bureau

As regards the mandate on the composition of the Bureau,⁵ the Bureau had before it additional background documentation regarding the actual composition of the Bureau over the years and the geographical distribution of States Parties and Bureau seats at the time relevant decisions were taken.

Bureau members had an exchange of views on the topic in light of the information provided. It was noted that three regional groups were currently under-represented in the composition of the Bureau when compared with the proportion of States Parties from those groups (the African Group, the Asia-Pacific Group, and the Group of Latin American and Caribbean States).

A view was expressed that there was a need to consider geographical distribution across the five core functions in the Assembly: the President; the two Vice-Presidents; the Rapporteur; and the Chair of the Credentials Committee. In this regard the point was made that it would be useful to have an understanding of how the Rapporteur and Chair of the Credentials Committee had been selected in the past. Some Bureau members considered that the discussion should not be confined to geographical representation, but should also extend to other criteria. The point was made that it would be important to take into account the added value of any revised configuration.

Some Bureau members continued to support the idea of appointing a focal point from within the Bureau to take forward work on the written summary of views expressed, while other Bureau members considered that a focal point was not necessary at this stage and that the matter should be discussed in the Bureau as a whole. The President indicated that a dedicated meeting would be convened on the topic.

6. Status of contributions

The Bureau took note that, as at 31 March 2024, the Court had received 63 per cent of the assessed contributions to the approved budget for 2024. The total amount of outstanding contributions was €89.3 million, of which €68.9 million related to the 2024 budget, and €20.4 million to prior years. A total of 34 States Parties had outstanding contributions of more than one year, and 15 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.

7. United States Legislation: Further Consolidated Appropriations Act, 2024

A Bureau member raised the Further Consolidated Appropriations Act 2024 which had been enacted by the United States Congress on 23 March 2024 and which may impact an ongoing situation.⁶ A representative of the Presidency responded to some queries thereon. A request was made for an assessment from the Court as to the impact of that legislation on the work of the Court.

8. Other matters

a) *Appointment of Assembly mandate-holders*

The President recalled that the Bureau had appointed two additional mandate-holders on 20 March 2024 (see annex). Consultations were still underway in the New York Working Group to identify a Chair of the Working Group on Amendments, a facilitator for the topic of arrears, and a focal point on non-cooperation from the Eastern European Group.

⁵ 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”.

⁶ See <https://www.congress.gov/bills/118th-congress/house-bill/2882/text>.

b) New York visit by President of the Assembly

The President briefed the Bureau on her mission to New York, where she was undertaking ICC-related meetings with delegations and different stakeholders. She informed the Bureau that she had met with United Nations Secretary-General Antonio Guterres on 8 April 2024. President Kaukoranta had conveyed to the Secretary-General her appreciation for the continued engagement and cooperation of the United Nations and discussed the main priorities of the Assembly, including the strengthening of the Rome Statute system and achieving universal accession to the Rome Statute. Secretary-General Guterres had expressed his renewed assurances of his and the United Nations' support for accountability for international crimes and reiterated his firm commitment to cooperating with the Court.

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Annex

BUREAU OF THE ASSEMBLY OF STATES PARTIES

Assembly mandate-holders appointed by the Bureau on 20 March 2024

The Hague Working Group

- **Legal aid**
Facilitator: Ambassador Hugh Adsett (Canada)

New York Working Group

- **Omnibus resolution**
Facilitator: Ms. Béatrice Maillé (Canada)

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