



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Sixth meeting**

**5 June 2024**

*(via remote link)*

Agenda and decisions

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

**1. Review Mechanism: update**

A State Party representative on the Review Mechanism, Ambassador Paul van den IJssel (Netherlands), briefed the Bureau on the work of the Review Mechanism. Since the last briefing on 6 March, the Review Mechanism had held two meetings, on 14 March and 22 April, to discuss the issue of “Tenure”. At the request of a State Party, the meetings were open only to States Parties, the Court focal points and Registry Legal Office representatives. The discussions centred on a revised joint proposal, suggesting that tenure would be attached to the person, rather than the position. Ambassador van den IJssel noted that there appeared to be consensus on the revised proposal, with some additional considerations on staff mobility and parental leave still to be discussed at the next meeting, on 13 June. The proposal for a moratorium on the recruitment of staff from non-States Parties would also be discussed at that meeting.

**2. Review of the amendments on the crime of aggression: appointment of focal point**

As regards preparations for the review of the amendments on the crime of aggression,<sup>1</sup> the President recalled the decision taken at the fifth meeting of the Bureau, on 8 May 2024, to appoint a focal point within the New York Working Group to take forward discussions on the venue, format, timing and duration of the review. On 28 May 2024 the Bureau had adopted the mandate for the focal point (see annex). The President indicated that consultations were underway to identify a nominee as soon as possible. The point was made that the focal point should consult widely amongst States Parties, in order to collect all diverging views, and that views on the scope and objective of the review might also inform views on the appropriate format and venue.

**3. Arrears: criteria for assessing requests for waivers from the loss of voting rights**

Further to the 30 November 2023 decision<sup>2</sup> by the Bureau regarding requests for waivers from the loss of voting rights under article 112, paragraph 8, of the Rome Statute, the Bureau had an initial discussion regarding the development of criteria in order to better equip the Assembly and the Bureau

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<sup>1</sup> See 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”. See also 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”.

<sup>2</sup> 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](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau11-Agenda-Decisions.pdf).

to assess such requests in the future. The Bureau had before it background documentation on recent decisions of the Bureau concerning such requests, relevant recommendations from other bodies (the Committee on Budget and Finance, the External Auditor, and the Independent Expert Review), and the practice of the United Nations General Assembly and other international organizations.

Bureau members emphasized the importance and timeliness of the topic, and the need for objective criteria in order to streamline the process. A view was expressed that any criteria would need to be decided by a decision of the Assembly itself, and that it might be appropriate for a facilitation to take on the development of draft criteria. The point was also made that some States Parties faced significant economic challenges, including sanctions, and that waivers from the loss of voting rights remained appropriate and necessary in exceptional situations.

The President indicated that the Bureau would return to the topic at a future meeting. She invited Bureau members to continue discussing the issues amongst themselves, and welcomed any proposals thereon.

#### **4. Recruitment of the Head of the Independent Oversight Mechanism: panel report**

On 4 June 2024 the Bureau had received the confidential report of the recruitment panel for the Head of the Independent Oversight Mechanism (IOM), submitted pursuant to the terms of reference adopted by the Bureau.<sup>3</sup> The Chair of the recruitment panel, Mr. Bernadin Assiene (Director of the Division of Internal Oversight Services at UNESCO), briefed the Bureau on the process followed by the panel, and its recommendations. Bureau members expressed their appreciation to the Chair and the other members of the panel for their work. As the Bureau had only received the report one day before the meeting, the President indicated that the Bureau would take up the recommendations at a later stage, possibly via silence procedure, once some additional information regarding the work experience of the candidates was shared with Bureau members.

#### **5. Status of contributions**

The Bureau took note that, as at 31 May 2024, the Court had received 86 per cent of the assessed contributions to the approved budget for 2024. The total amount of outstanding contributions was €46.5 million, of which €26.3 million related to the 2024 budget, and €20.3 million to prior years. A total of 31 States Parties had outstanding contributions of more than one year, and 14 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.

#### **6. Other matters**

##### *a) 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,<sup>4</sup> the Bureau was informed that the recruitment panel appointed by the Bureau had held its first meeting on 24 May 2024. The panel had appointed Ms. Prisca Matimba Nyambe (Zambia) as Chairperson and Mr. Masaru Tsuji (Japan) as Vice-Chairperson, and had also established a high-level timeline for the recruitment process. According to that timeline the initial screening of applications would take place in August 2024, with the assistance of a consulting company; the written tests and interviews would take place in September and October 2024; and the report would be finalized in October 2024. The Bureau agreed to request that the curricula vitae of the recommended candidate(s) be provided to the Bureau at the same time that the report is submitted.

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<sup>3</sup> 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](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau10-Agenda-Decisions.pdf).

<sup>4</sup> 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](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau13-Agenda-Decisions.pdf).

*b) IOM evaluation report on the OTP Strategic Plan 2019-2021*

The Bureau had before it the report of the IOM on the evaluation of the Office of the Prosecutor's Strategic Plan 2019-2021, dated 29 May 2024. The report noted that the evaluation had been requested by the Prosecutor in 2022, in order to take stock of the results and performance of the Office in that period and to draw on lessons learned. The Bureau had subsequently decided to formally request the evaluation, following a proposal by the IOM, at its tenth meeting on 2 December 2022. The Bureau took note of the report and decided to refer it for consideration within the Budget Management Oversight topic in the Hague Working Group.

*c) Nomination period for elections to be held at the twenty-third session of the Assembly*

The President recalled that the nomination period for the three elections<sup>5</sup> that will take place at the twenty-third session of the Assembly had opened on 3 June 2024 and would run until 25 August 2024. The relevant background documentation had been circulated with the respective notes verbales on 28 March 2024.

*d) Appointment of mandate-holders*

The Bureau was informed that the budget facilitator, Ambassador Lauri Kuusing (Estonia), was not able to continue in the role due to his appointment to another position and departure from The Hague. Consultations were underway to identify a nominee for the position as soon as possible.

As regards the New York Working Group, Vice-President Kanu indicated that consultations were still ongoing to identify the Chair of the Working Group on Amendments and the facilitator for arrears. Vice-President Kanu would act as facilitator on arrears until an appointment could be made.

*e) Security of the Court, its officials and personnel*

The President informed Bureau members that, in light of recent developments relating to the security of the Court, its officials and personnel, including the passage of a bill in the United States House of Representatives on 4 June 2024,<sup>6</sup> the Assembly Presidency was in contact with the Court organs and other stakeholders and was closely monitoring developments. In this regard, the Registrar had indicated his availability to brief the Bureau on the topic at its next meeting, on 3 July 2024.

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## **Annex**

### **BUREAU OF THE ASSEMBLY OF STATES PARTIES**

#### **Mandate for the focal point in the New York Working Group on the preparations for the review of the amendments on the crime of aggression, adopted by the Bureau on 28 May 2024**

Mandate: to gather the views of States Parties on the venue, format, dates and duration of the review of the amendments on the crime of aggression, and to report thereon to the Presidency of the Assembly by a date to be determined by the Presidency. The Presidency may thereafter also request the focal point to gather views on the scope and objective of the review.

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<sup>5</sup> The election of the members of the Advisory Committee on nominations of judges, the election of the members of the Board of Directors of the Trust Fund for Victims, and the election of five new members of the Committee on Budget and Finance.

<sup>6</sup> "Illegitimate Court Counteraction Act" (H.R. 8282), available at: <https://www.congress.gov/bill/118th-congress/house-bill/8282>.