



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Sixth meeting**

**12 March 2025**

*(via WebEx)*

Agenda and decisions

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

**1. Update on threats against the Court**

The Bureau received an update from the Registrar, Mr. Osvaldo Zavala Giler, on threats against the Court and the various measures being taken in response.

**2. Appointment of Assembly mandate-holders**

The Bureau appointed the following mandate-holders of The Hague Working Group for 2025:

**Budget**

- Ambassador Jorge Carvajal San Martín (Chile)

**Budget Management Oversight (BMO)**

- Ambassador Paul Teesalu (Estonia)

**Review of the work and the Operational Mandate of the Independent Oversight Mechanism**

- Ambassador Corinne Cicéron Bühler (Switzerland)

The Coordinator of the New York working Group, Vice-President Kanu, informed the Bureau that his efforts to identify a facilitator for the topic Arrears were ongoing. In the meantime, he would continue to cover this role until a facilitator was identified. The facilitator for the topic “Composition of the Bureau” was under a silence procedure in the New York working group.

The Bureau would return to the topic of appointments at its next meeting, or via a silence procedure in the meantime for facilitations that were still pending.

The Bureau considered a proposal that the sub-topic “Criteria for the waiver of loss of voting rights” be assigned to the Budget management oversight (BMO) facilitation in The Hague Working Group. Members noted that, after discussion of the necessity for establishing criteria for the grant of a waiver of the loss of voting rights, it was the appropriate time for the Bureau to make progress on this topic. Such criteria was observed also in other international bodies. It was noted that the Rome Statute provided that

States in arrears should have no vote in the Bureau and the Assembly,<sup>1</sup> and States Parties ought to comply with the Statute. It was noted further that it was a technical topic, which was a governance issue rather than the subject of the “Arrears” facilitation. The latter facilitation was better placed in New York due to the presence of all States Parties in that location.

The Bureau decided to assign the topic “Criteria for the waiver of loss of voting rights” to the Budget management oversight facilitation in The Hague Working Group. The BMO facilitator was requested to consult broadly with all States Parties on this topic, including those based in New York.

### **3. CBF elections**

#### *a) Election to fill a vacancy on the Committee on Budget and Finance*

The Bureau recalled the 11 November 2024 resignation of a member of the Committee on Budget and Finance (the Committee) and decided that the vacancy on the Committee would be filled pursuant to resolution ICC-ASP/4/Res.6.<sup>2</sup>

Pursuant to paragraph (a) of this resolution, the Bureau fixed a nomination period which is shorter than the one used for other elections, i.e. to run from 17 March to 16 April 2025. The Bureau further decided, pursuant to paragraph (b), that it would proceed to elect the member, who would serve for the remainder of the predecessor’s term, i.e. until 31 December 2026, and may be re-elected.

As the vacancy had arisen in the Eastern European group, only that regional group would be eligible to present candidates.

The shorter nomination period and the earlier election by the Bureau would allow the new member sufficient time to prepare for the upcoming session of the CBF, which will be held from 5 to 9 May 2025.

The President requested the Secretariat to circulate the relevant note verbale to States Parties.

#### *b) Election of seven members of the Committee on Budget and Finance*

The Bureau decided that the election of six members of the Committee to fill the vacancies that would arise upon the completion of the terms of six current members on 31 December 2025 would be held at the twenty-fourth session.

The Bureau set the nomination period to run from 2 June to 24 August 2025.

In addition, the Bureau recalled that, at the election of the five new members of the Committee pursuant to resolution ICC-ASP/22/Res.8 at the twenty-third session, no candidates had been presented by the Eastern European group. It was necessary for the Assembly to also elect one member of the Eastern European group to fill the extra seat allocated to that regional group by the above-mentioned resolution.<sup>3</sup>

The Bureau decided that the election of one member from the Eastern European group pursuant to resolution ICC-ASP/22/Res.8 would be held during the twenty-fourth session. It set the nomination period to run from 2 June to 24 August 2025.

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<sup>1</sup> Rome Statute, article 112, paragraph 8.

<sup>2</sup> [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/Resolutions/ICC-ASP-ASP4-Res-06-ENG.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/ICC-ASP-ASP4-Res-06-ENG.pdf)

<sup>3</sup> Ibid., para. 2.

As the seat had been allocated to the Eastern European group, only that regional group would be eligible to present candidates for this additional seat on the Committee.

The President requested the Secretariat to circulate the relevant note verbale as early as possible.

The President encouraged all regional groups to seek candidates for the seats on this important body.

#### **4. Preparations for the special session on the review of the amendments on the crime of aggression**

As regards the substantive **work** for the Special Session of the Assembly on the review of the amendments on the crime of aggression,<sup>4</sup> the Bureau noted that the Working Group on Amendments (WGA), chaired by Ambassador Juan José Quintana (Colombia), had held two meetings, on 30 January and 7 March to discuss amendments related to the crime of aggression.

As regards logistical preparations for the Special Session, the Secretariat was proceeding with the arrangements. In addition, the Registry Legal Office had commented on the draft Memorandum of Understanding, which was being finalized with the United Nations. These steps depended to a large extent on the responses of the UN and further information would be provided when there were updates.

The Bureau took note that the tentative cost of services and facilities consolidated by contacting the respective UN departments was approximately \$USD 60,000.00.

This agenda item would be included on the agenda of future meetings of the Bureau.

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

The Bureau took note that, as at 28 February 2025, the Court had received 74 per cent of the assessed contributions to the approved budget for 2025. This was a significant increase compared to the same point in previous years, no doubt due to the Registrar's appeal for payments at the earliest possible date in order to address potential liquidity implications arising from the possible sanctions and the mitigating measures being taken by the Court.

The total amount of outstanding contributions as at 28 February was €74 million, of which €50 million relates to the 2025 budget, and €24 million to prior years. A total of 37 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 pay their contributions to the budget of the Court as soon as possible, especially in light of the particular circumstances of this year.

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<sup>4</sup> ICC-ASP/23/Res.1, para. 163: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ICC-ASP-23-Res.1-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-23-Res.1-ENG.pdf)

## 6. Other matters

### a) *Election of the CBF Chair*

The Bureau considered the interpretation and application of rule 10, paragraph 2, of the Rules of Procedure of the Committee on Budget and Finance (the CBF).<sup>5</sup> The Bureau considered paragraph 4 of the Advance version of the report of the forty-sixth session of the Committee.<sup>6</sup>

Bureau members recognized the important role of the CBF, and noted that its Rules of Procedure were clear. The Bureau noted in particular that rule 10, paragraph 2, limits the election of a member as Chair to a maximum of three terms. The Bureau further noted that, at its forty-sixth session, the CBF, following Rule 10 of its Rules of Procedure, and acknowledging that only one member was available and willing to assume the role, the Committee, after obtaining a legal opinion from the Secretariat of the Assembly, made an exceptional decision to a member as Chairperson. That member had previously been elected as Chair on three occasions.

There was consensus among Bureau members that the election of the Chair was contrary to the Rules of Procedure of the Committee, and concerns were raised about setting a precedent for future elections in subsidiary bodies of the Assembly. Some Bureau members emphasized that the Committee, as a subsidiary body of the Assembly, must uphold the rules governing its procedures in order to maintain institutional integrity. The Bureau agreed the following:

The Bureau considers that the election of the Chairperson of the Committee on Budget and Finance did not observe rule 10, paragraph 2, of the Amended Rules of Procedure of the Committee, which the Assembly adopted at its eighteenth session by resolution ICC-ASP/18/Res.1, annex.<sup>7</sup> The Bureau underlines the importance of compliance with the Rules of Procedure and of the rotation of the leadership roles in its subsidiary bodies. The Bureau understands that the elected Chairman would exceptionally serve in this function on an *ad interim* basis, and calls upon members of the Committee to redouble their efforts to identify a candidate that is eligible for election as Chair under the Rules of Procedure. The Bureau urges the Committee to do so in advance of its next meeting, to be held on 5 to 9 May 2025. The Bureau may decide on further measures, if necessary.

### b) *Recruitment of the Director of the Secretariat of the Assembly*

The President briefed the Bureau on the administrative arrangements that are underway in the recruitment process of the Director of the Secretariat of the Assembly.

### c) *Information on the investigation relating to the Prosecutor*

The Bureau took note that the investigation was ongoing. Contact details for reporting relevant information had been shared with the Staff Union Council with a request to make them available to affected staff.

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<sup>5</sup> Adopted by the Assembly by resolution ICC-ASP/18/Res.1, section P, para. 3 and annex: [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/ASP18/ICC-ASP-18-Res1-ENG.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP18/ICC-ASP-18-Res1-ENG.pdf)

<sup>6</sup> CBF/46/5.

<sup>7</sup> [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/ASP18/ICC-ASP-18-Res1-ENG.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP18/ICC-ASP-18-Res1-ENG.pdf)

*d) Decisions concerning non-cooperation*

The President drew to the attention of the Bureau the decision of 10 March 2025 on the Request from Mongolia, dated 2 December 2024 (ICC-01/22-113-Anx).<sup>8</sup> The plenary of judges, acting unanimously, had dismissed the Reconsideration of the Application.

*e) Next Bureau meeting*

The next Bureau meeting was tentatively scheduled to be held on 2 April 2025.

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<sup>8</sup> <https://www.icc-cpi.int/court-record/icc-01/22-122>