



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Eighth meeting**

**7 May 2025**

*(via remote link)*

**Agenda and decisions**

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

The President welcomed the new Director of the Secretariat, Ms. Gabrielle McIntyre, who had assumed duty on 5 May 2025. Ms. McIntyre made some introductory remarks.

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

The Registrar, Mr. Osvaldo Zavala Giler, briefed the Bureau on updates regarding the impact of US sanctions against the ICC and the measures taken to address the most pressing challenges in this regard.

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

Further to the decision of the Assembly<sup>1</sup> on the special session on the review of the amendments on the crime of aggression, to be held from 7 to 9 July 2025 in New York, for a duration of three days, the Bureau took note of the logistical preparations underway. It noted that the Assembly had foreseen that complications might arise in making these logistical arrangements and had requested the Secretariat to absorb within its approved budget for 2025 any additional costs in relation to the review of the amendments on the crime of aggression which could not be covered from the anticipated 2023 cash surplus.<sup>2</sup> The President would continue discussions on the logistical arrangements.

**3. Independent Oversight Mechanism: Interim Report**

The Head of the Independent Oversight Mechanism, Mr. Silvain Sana, introduced the Interim report of the Independent Oversight Mechanism (IOM), covering the period 1 October 2024 to 31 March 2025, dated 7 April 2025.

He indicated that a key priority was to ensure that the IOM continued to discharge its mandate optimally so as to have no impact in the transition period of leadership.

As regards the investigations mandate, he noted, inter alia, that there had been few anonymous complaints, which was an indication that staff members felt comfortable raising

<sup>1</sup> ICC-ASP/23/Res.1, annex I, para. 16 : [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)

<sup>2</sup> ICC-ASP/23/Res.6, section G, para. 5 (c) : [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ICC-ASP-23-Res.6-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-23-Res.6-ENG.pdf)

such issues. Allegations of abuse at the workplace were high, as were those relating to fraud in both the Field Offices and Headquarters, and these areas required particular attention. Other activities included the preparation of Standard Operating Procedures which would provide clarity to the IOM mandate. Work on the harmonization of the IOM mandate and the Court's legal framework was continuing.

As regards the mandate on evaluation, the IOM had only one evaluator on staff, which could pose a challenge. In addition, as regards the inspection mandate, the IOM had received two confidential requests during the reporting period.

#### **4. Establishment of an Evaluation Programme Committee**

The Bureau recalled its preliminary discussion of this topic at its 2 April meeting. The Bureau had before it the revised Terms of Reference for an Evaluation Programme Committee, prepared by the Head of the IOM on the basis of the 2 April discussions. The modifications included amendments to the text on the terms of office of members, in order to give greater flexibility to the Bureau, addressing possible conflicts of interest, and reporting timelines.

In response to a query, the IOM Head clarified that the Evaluation Programme Committee would report on its own activities in support of the IOM, and not on the IOM's evaluation activities. As regards any budgetary implications, the Committee would operate on a pro bono basis, so there would be no costs in the budget for this Committee. He clarified, further, that the mandates of the Committee on Budget and Finance and the Evaluation Programme Committee were different, with the former being responsible for advising on the budget of the Court and the latter being a tool to boost the evaluation function of the IOM, and to ensure that the evaluation recommendations of the IOM are complied with and implemented. Some Bureau members also made drafting suggestions.

The Bureau adopted the Terms of Reference of the Evaluation Programme Committee as orally amended (see annex).

The President noted that, following the adoption of the Terms of Reference of the Evaluation Programme Committee, it was now necessary for the Bureau to determine which members would sit on the Committee. She invited Bureau members to inform her of their interest in serving on the Committee no later than 30 May 2025.

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

The Bureau took note that, as at 30 April 2025, the Court had received 93 per cent of the assessed contributions to the approved budget for 2025. The approximate total amount of outstanding contributions was 36,000,000 million euros, of which 12,000,000 million related to the 2025 budget, and 23,500,000 million to prior years. A total of 37 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 with outstanding contributions to pay their contributions to the budget of the Court as soon as possible.

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

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

The President informed the Bureau that, further to its 12 March 2025 decision to open the nomination period for the presentation of candidates from the Eastern European group to

fill a vacancy on the Committee on Budget and Finance, no candidates had been presented during the nomination period, which closed on 16 April 2025.

In accordance with resolution ICC-ASP/1/Res.5, the President had decided to extend the nomination until 21 May 2021 (Central European time). As the seat related to a vacancy in the Eastern European group, only States Parties from that group could present a candidate.

The President encouraged States Parties of the Eastern European group to consider submitting a candidate for this important subsidiary body of the Assembly.

*b) Chairmanship of the Committee on Budget and Finance*

Further to the Bureau's 12 March 2025 decision on the chairmanship of the Committee on Budget and Finance for 2025, the President informed the Bureau that the previously elected Chair of the Committee, Mr. Werner Druml, had stepped down because of the decision of the Bureau. No new chair has been elected yet. The Vice-Chair was performing the functions of Acting Chair during the Committee's forty-seventh session<sup>3</sup>.

*c) Investigations concerning the Prosecutor*

In response to queries from stakeholders, the President indicated that the investigation being conducted by the United Nations OIOS was proceeding according to the plan, but it had not indicated a timeline for the conclusion of its work.

*d) Trust Fund for the participation of Least Developed Countries and other Developing States*

The President drew to the attention of the Bureau the Trust Fund for the participation of Least Developed Countries and other Developing States. As per note verbale ICC-ASP/S-1/S/14, dated 15 April 2025, she encouraged States in a position to contribute to the trust fund to do so by the end of May 2025.

*e) Appointment of a NYWG facilitator*

The Bureau took note of its 20 March 2025 appointment of Ms. Loureen Sanyej (State of Palestine) as the facilitator for the topic "Composition of the Bureau".

The President congratulated Ms. Sanyej on her appointment and thanked her for her willingness to take up this important topic on behalf of the Bureau.

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<sup>3</sup> Held on 5 to 9 May 2025.

## **ANNEX**

### **TERMS OF REFERENCE OF THE EVALUATION PROGRAMME COMMITTEE**

#### **1. INTRODUCTION**

1.1 The Evaluation Policy of the International Criminal Court (ICC or “the Court”), adopted by the Assembly of States Parties in December 2024<sup>4</sup> introduced new structures in the governance of independent evaluations conducted by the Independent Oversight Mechanism (IOM), intended to strengthen the evaluation function and culture at the Court.

1.2 One of these structures is the Evaluation Programme Committee composed of members of the Bureau of the Assembly of States Parties (“Bureau”).<sup>5</sup>

#### **2. MANDATE**

2.1 The Evaluation Programme Committee (“the Committee”) is an advisory body established by the Bureau, tasked with deliberating on the evaluation programme planning and the follow up of evaluation recommendations, with due regard to judicial and prosecutorial independence.

2.2 The Committee aims to promote a more strategic approach to evaluation planning, strengthening accountability, and enhance the use of and learning from evaluations. These efforts are intended to foster an enabling environment for evaluation and support the development of an evaluative culture at the Court.

#### **3. COMPOSITION**

3.1 The Committee is composed of five Members, including the President of the Assembly of States Parties or his/her alternate, who shall chair the Committee. In forming the Committee, consideration shall be given to equitable geographical representation and gender balance.

3.2 Members are appointed by the Bureau for a term of three years and may be re-appointed once for three years or less. In considering the re-appointment and appointment of new members, due regard shall be given to the need to ensure continuity.<sup>6</sup>

3.3 Appointed Members should demonstrate an interest in evaluation principles and practice, to contribute to the Court’s learning, improvement and accountability.

3.4 The Committee shall have unrestricted access to officials of the Court as may be required to discharge their duties.

3.5 The Committee engagement is on pro-bono basis, and members will not receive remuneration from the Court.

#### **4. MEETINGS**

4.1 The Members of the Committee shall meet at least twice a year or more

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<sup>4</sup> ICC-ASP/23/24 (paragraph 152).

<sup>5</sup> Paragraph 9.2., Table 1 (Evaluation Policy of the ICC: <https://www.icc-cpi.int/sites/default/files/2025-01/2025-01-24-icc-evaluation-policy-eng.pdf>).

<sup>6</sup> The first Chair of the Committee may serve until the end of the current Bureau appointed by the Assembly at its 22nd session and will be replaced by the incoming President of the Assembly unless the Bureau decides otherwise.

frequently, as deemed necessary by the Members.

4.2 The Committee meetings shall be closed. However, in consultation with Members, the Chair may invite ICC staff or invite Bureau representatives to participate on specific agenda items.

4.3 All Members shall receive an induction from the Independent Oversight Mechanism (IOM) covering the ICC Evaluation Policy and the IOM evaluation function; the United Nations Evaluation Group's (UNEG) Norms and Standards for Evaluation; and the UNEG Ethical Guidelines for Evaluation.

## **5. RESPONSIBILITIES**

5.1 The main responsibility of the Committee is to consider the planned activities and results of the evaluation function; and to review how management have responded to, and implemented recommendations arising from this work.

5.2 In particular, the responsibilities of the Committee include providing advice to the Bureau on:

- The proposed annual and triennial evaluation work programme of the IOM;
- Evaluation reports and the implementation of evaluation recommendations;
- The timeliness and adequacy of management's response to, and actions taken to implement evaluation recommendations made by the IOM;
- Risk mitigation measures and assumptions concerning the evaluation function and the implementation of the Evaluation Policy;
- The evaluation results that are of strategic value;
- The dissemination of evaluation results to other governing body entities and feedback loops including the ASP working groups;
- Guidance to the Head, IOM on evaluation programme planning;
- Strategies to create an enabling environment for evaluation and an evaluative culture at the ICC; and
- Any other evaluation related issue that can be assigned to it by the Bureau of the ASP.

5.3 In addition to convening and facilitating the Committee meetings, the Chair is responsible for soliciting comments and advice from the IOM related to the evaluation function and ensuring that action is taken on all matters relevant to the Committee's Terms of Reference.

## **6. OBJECTIVITY AND CONFIDENTIALITY**

6.1 The Members will perform their duties in an objective and unbiased manner.

6.2 The Members shall be independent of the Court, the External Auditor and any other body that may be perceived as a conflict of interest.

6.3 It is the responsibility of the Member(s) to disclose any actual or perceived conflict of interest or bias to the Committee. In cases where there is uncertainty as to whether Members should recuse themselves from a specific matter, the Committee shall deliberate and determine the appropriate course of action. The Committee may consult with the Head of IOM, as needed. If consensus cannot be reached in the Committee, the Chair shall make the final decision regarding recusal. A recused Member shall be replaced by his/her the alternate for the specific matter for which the conflict of interest or bias arises.

6.4 Each Member shall complete the ICC's conflict of interest declaration form upon taking up his/her appointment.<sup>7</sup>

6.5 If aspects of the evaluation process, issues or reports discussed require

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<sup>7</sup> Annex I.

confidentiality, Members shall uphold such confidentiality.

## **7. ADMINISTRATIVE SUPPORT**

7.1 Secretariat services to the Committee shall be provided by the Secretariat of the Assembly of States Parties, with input from the IOM as needed.

## **8. REPORTING**

8.1 The Chair shall submit an annual report on the work of the Committee and its recommendations to the Bureau, including the workplan for the following year. The annual report shall be submitted at least one month before the annual Assembly session.

8.2 The Committee may also submit recommendations or supplementary reports to the Bureau in the interim.

8.3 In line with best practices for transparency, the Committee's Terms of Reference and annual report shall be posted on the ASP webpage.

## **9. PERIODIC REVIEW**

9.1 The Committee shall review the Terms of Reference every three years, or as necessary, to ensure that they reflect best professional practices, remain relevant to the ICC's operating context, and continue to meet the Bureau's needs. Any proposed amendments to the Terms of Reference shall be submitted to the Bureau for approval.

## **ANNEX 1: DECLARATION OF ABSENCE OF CONFLICT OF INTEREST**

I, the undersigned, declare that I am absent of conflict of interest currently in relation to taking up membership with the Evaluation Programme Committee at the International Criminal Court. I shall disclose and mitigate by way of recusing myself a conflict of interest situation should it arise during my work with and as a member of the Evaluation Programme Committee. In case of uncertainty whether there is a conflict of interest situation, I will consult with the Head of the Independent Oversight Mechanism.

**Name:**

**Date:**

**Signature:**