



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Fourth meeting

12 April 2023

(via remote link)

Agenda and decisions

The meeting was chaired by the President, Ms. Silvia Fernández de Gurmendi. Vice-Presidents Ambassador Robert Rae (Canada) and Ambassador Kateřina Sequensová (Czech Republic) also participated.

1. Review Mechanism- update

Ambassador Paul van den IJssel (Netherlands), a State Party representative on the Review Mechanism, updated the Bureau on the work of the Review Mechanism in 2023.

He recalled that the first roundtable for 2023 had been held on 6 April, focusing on the implementation of the Independent Expert Review (IER) recommendations on “Relations with civil society” (R153 to R162, except R157 and R160) and “Communication” (R164 to R166). The roundtable discussions had also included recommendations R163, R167 and R168, on “Communications Strategy” and “Outreach Strategy”.

During the discussions, the Court representatives had underlined the importance of the recommendations related to working with civil society and resourcing to maintain the relationship. While it was easier to engage with local actors when the Court had an office on the ground, ways had been found to address this gap. The Court considered that a lack of adequate funding sometimes made it difficult to fully implement the recommendations, however. On R156 regarding the establishment of an OTP focal point for civil society organizations, the OTP noted that it was in the process of appointing a Special Assistant at P-3 level to undertake this task. With respect to R163 on the need for a cross-organ, coordinated communications strategy, the Court indicated that such a strategy was still being developed. As regards R164 on outreach programmes and activities, the Court considered this recommendation implemented from the start of investigations, but noted that there were no resources available in Registry for the preliminary examinations stage. On R165 regarding finding innovative ways of raising essential funding for outreach activities, the Court had noted that something would be included in the 2024 budget and added that it was looking into creative ways to meet the spirit of the recommendation.

The Coalition for the International Criminal Court (CICC) and other NGO representatives had actively participated in the roundtable. They had underlined the need for meaningful engagement between civil society and the Court, undertaken in a timely manner. In addition, they had emphasized that the Court should consult with civil society as policies and strategies were developed, so that they could be actively involved at an early stage. NGO representatives had noted that, by referring to the role of civil society and human rights defenders in Court and Assembly statements and on social media, the Court and the Assembly

could help keep civic space open and, in some cases, assist in protection strategies. Inclusivity and equity were considered essential to the relationship, as were translation and interpretation for ensuring meaningful participation by a wide variety of civil society actors. The ICC-NGO roundtable meetings, co-convened by the Court and CICC, were considered an example of good practice as they provided an annual opportunity for information exchange and two-way dialogue between Coalition member organizations (particularly those working in situation countries) and Court officials. Some NGO representatives had drawn attention to challenges in the relationship, including: inadequate outreach; language issues (particularly relating to the absence of materials in Arabic); absence of genuine field presence; one-sided engagement; and lack of cultural sensitivity. The issue of how to continue the discussion on ways to improve the relationship was raised. The Review Mechanism considered that it was indeed important to continue the discussion, as implementation of the recommendations was underway but not completed and in most cases the recommendations would require a continuous effort.

As regards future work, Amb. van den IJssel noted that the next meeting of the Review Mechanism would focus on governance issues. A later meeting would focus on the Secretariat of the Trust Fund for Victims. In mid-to-late June, after the judges had held their retreat, the Review Mechanism would convene a meeting to focus on the remaining recommendations to be assessed by the Court: recommendations on victims participation and victims reparations and assistance that were to be led principally by the judiciary (R336, R337, R345, R348, R349 and R352). This would conclude the Mechanism's work for the first semester of 2023.

Amb. van den IJssel noted that at some stage it would also be necessary to discuss the future of the Review Mechanism and the review process in general, and in particular how the implementation of recommendations would be monitored. He welcomed views on this topic. He emphasized that the Mechanism would continue to consult with all stakeholders in the interests of inclusiveness and transparency, and would continue to brief the Bureau and its working groups.

The President recalled that the future of the review process was one of the topics for discussion during the commemorative event to be held in New York on 17 July 2023 to mark the twenty-fifth anniversary of the adoption of the Rome Statute.

2. Due diligence process for candidates for elected officials of the ICC

The President recalled that, at its twenty-first session, the Assembly had tasked the Bureau with the development of a vetting process for all elected ICC officials, with a view to the adoption of such a process at the twenty-second session of the Assembly.¹ As a starting point for the consideration of this important topic, the President had prepared an initial draft proposal for a due diligence process for candidates for elected officials of the ICC, dated 5 April 2023. She noted that the proposal built on the processes adopted for the elections of the Deputy Prosecutor, the Registrar and the judges.

The Bureau agreed that it would be necessary to appoint a facilitator to coordinate the consultations on this topic with all States Parties, the Court and civil society, as required by the Assembly mandate, and to prepare an updated proposal taking into account the views expressed.

¹ ICC-ASP/21/Res.2, para. 83: "*Tasks* the Bureau to continue consultations with States Parties, the Court and civil society for the development of a vetting process for all elected ICC officials, and to report to the Assembly with a view to adoption of a vetting process as soon as feasible and no later than its twenty-second session, taking into account the ongoing consideration of the relevant Independent Expert Review recommendations, the outcomes of the lessons learnt exercise of the Prosecutor's selection process including by liaising with its co-facilitators and the Bureau's review of the due diligence process for candidates for Deputy Prosecutor:"

3. Twenty-fifth anniversary of the adoption of the Rome Statute- update

The President updated the Bureau on preparations for the commemorative events to mark the twenty-fifth anniversary of the adoption of the Rome Statute, which would be held on 12 July 2023 in The Hague, 17 July 2023 in New York and 12-13 October 2023 in Siracusa, Italy.

Regarding the event to be held in New York on 17 July, a formal invitation and programme would be circulated in the days following the Bureau meeting, inviting States Parties to the event and to participate in the Ministerial Roundtable entitled “Strategic vision for the next decade – how to ensure consistent and sustainable support for the ICC” which would be held during the morning segment. The President would continue to consult with the facilitators on Universality and Cooperation, relevant actors and Court officials to ensure the success of the treaty ceremony to be held during the afternoon segment. She recalled the inclusion of an ‘in memoriam’ segment during the event, during which Mr. Ben Ferencz, who had passed away on 7 April at the age of 103, would be memorialized. The President informed the Bureau that a reception would be hosted by Italy at the conclusion of the afternoon panels.

Regarding the 12 July event in The Hague, the President indicated that she continued to engage with the host State and the Court. She noted that, subject to confirmation in the coming days, it seemed there should be sufficient funds for the exhibit in the Atrium of the Municipality as well as for the outdoor billboards in two other locations in The Hague, to raise visibility of the Court.

Concerning the two-day hybrid commemorative event to be held in October 2023 in Siracusa, Italy, the President was in continued discussions with the Siracusa International Institute for Criminal Justice and Human Rights.

The President recalled that the Bureau had invited all stakeholders to organize commemorative events throughout the year, and to inform the Secretariat of any such events so they could be posted on the dedicated webpage.²

4. Status of contributions

The President informed the Bureau that as at 31 March 2023, the Court had received 67 per cent of the assessed contributions to the approved budget for 2023. The total amount of outstanding contributions, for 2023 and for prior years, was €82.1 million. A total of 36 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 expressed her appreciation to those States Parties that had paid their assessed contributions and acknowledged the substantial efforts which had enabled payment of some significant outstanding contributions in 2023. The Presidency would continue to deploy all efforts to obtain the timely payment of contributions, in consultation and coordination with the Court and with the facilitator for arrears, once appointed.

5. Other matters

a) Election of judges- update

As regards the election of six judges scheduled to take place at the twenty-second session of the Assembly, the President recalled that, at the end of the nomination period on 26 March, not all the minimum nomination requirements had been met. It had therefore been

² <https://asp.icc-cpi.int/asp-events/25a-Adoption-RS>.

necessary to extend the nomination period for an additional two weeks, until 9 April 2023, pursuant to paragraph 11 of resolution ICC-ASP/3/Res.6. At the end of the extended nomination period, the situation remained the same with respect to the minimum nomination requirements. The nomination period had therefore been extended for a further two weeks, until 23 April 2023.

The President noted that, pursuant to the due diligence process adopted by the Bureau on 28 February,³ the IOM had opened a confidential channel for the receipt of allegations of misconduct against any of the nominated candidates. States Parties and civil society had been notified on 4 April, and information about the confidential channel had been posted on the webpage of the Assembly.⁴ The Court had also issued a press release and disseminated the information through its social media platforms. The President noted that the confidential channel would remain open until 30 June 2023, and she requested all nominating States Parties to be mindful of the requirements of paragraph 10 of the due diligence process.⁵

b) Appointment of mandate-holders

The President recalled that the Bureau had appointed mandate-holders of The Hague and New York Working Groups under silence procedures (see annex). She thanked the mandate-holders for their willingness to take up the mandates, and wished them the best for their important work.

c) IOM head: contractual status

The Bureau was apprised of the contractual status of the head of the Independent Oversight Mechanism, whose contract would end on 31 October 2023. Given the time that would be required to fill the position and, in particular, the ongoing work in relation to the due diligence process of candidates for judges and the development of a permanent vetting process, it seemed advisable that the Bureau decide on an extension of his contract for a term to be determined, pursuant to the applicable legal framework.

The President indicated that the Bureau would revert to this topic, including on the way forward, during its next meeting, before which supporting documentation would be conveyed by the Secretariat.

d) Next meeting of the Bureau

The next meeting of the Bureau was tentatively scheduled for Wednesday, 10 May 2023.

Annex

**Mandate-holder of the New York Working Group
appointed by the Bureau on 24 March 2023**

Facilitator on the composition of the Committee on Budget and Finance

- Ms. Mosammat Shahanara Monica (Bangladesh)

³ https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-EJ2023-DueDiligence-ENG.pdf.

⁴ <https://asp.icc-cpi.int/elections/judges/2023>.

⁵ “States Parties who have nominated candidates shall ensure that the process for submitting information to the channel, including how allegations received will be treated, is provided to the organizations where the candidate has previously worked or is currently working, noting that they are being considered as judicial candidates at the International Criminal Court”.

**Mandate-holders of The Hague Working Group
appointed by the Bureau on 3 April 2023**

Facilitator for the budget

- Ambassador Ksenija Milenković (Serbia)

Focal point for the budget sub-topic of Budget Management Oversight

- Ambassador Jaime Moscoso Valenzuela (Chile)