



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Nineteenth meeting

The Hague

7 December 2018

Agenda and decisions

1. Preparations for the seventeenth session of the Assembly

a) Organization of work

i) Programme of work

The Bureau approved the revised programme of work for the seventeenth session, dated 6 December 2018, and requested the Secretariat to disseminate it.

2. Assessment of the Secretariat

The Bureau had before it the revised draft report on the assessment of the Secretariat, dated 6 December 2018. The President indicated that the new text contained therein reflected his proposals following the informal consultations which he had held with interested States.

Two Court officials were invited to clarify to the Bureau some of the Court's practice which was deemed relevant for the discussion on the draft report. The Chief of the Court's Human Resources Section, Ms. Susanne Seegers, described the standard practice regarding the performance appraisal of staff of the Court, which is similar to that of other international organizations. It is an annual cycle composed of the setting of objectives in the beginning, followed by a mid-year review and an appraisal at the end. The overall compliance rate of the Court in undertaking the performance appraisal had improved considerably in recent years and was now quite high. A 360 degree feedback was not yet built into the performance appraisal system. She informed the Bureau that there were six positions in the Court for which there were external appraisers. Although those post holders had external reporting lines, they were still staff of the Court and had the right to a performance appraisal. The supervisors of these posts were often not present at the Court and therefore not able to monitor the staff member on a day-to-day basis. These staff also did not have a second reviewer. The Court had made some adaptations for the appraisal of those posts, and had provided guidance to the external appraisers.

As regards recruitment of staff of the Secretariat, Ms. Seegers clarified that, in accordance with the Court's recruitment process, the Secretariat would make a request, which is then subject to a review by the Human Resources Section, before being submitted for approval by the Registrar. Any recruitment is thus a joint process, it cannot be undertaken by the Secretariat exclusively; all staff are appointed by the Registrar.

The Director of the Division of Management Services, Mr. Ivan Alippi, stated that it was important for the holders of those six positions to carry out their mandates in full independence. Nonetheless he noted that their respective supervisors could ask for feedback on non-subjective matters from other stakeholders in conducting their performance appraisals, regarding managerial areas. An example would be the timely submission of the draft budget for the respective major programme. As regards procurement, there is a Court-wide procurement process, which requires the requesting manager to explain exactly what he/she wishes to procure; the respective unit of the Registry then processes the request. An independent Procurement Review Committee would then consider whether the correct process had been followed and make a recommendation on the requisition. The President could seek feedback from the Registry and other stakeholders within the Court on whether the administrative and managerial actions had complied with the Court's rules and standards.

The Bureau then continued to discuss modifications to some segments of the draft report.

3. Contingency Fund notification

The Bureau took note of the communication, dated 4 December 2018, which the Registrar had conveyed to the Chair of the Committee on Budget and Finance, informing him that the Court might need to access to the Contingency Fund in 2018 for the sum of €220.3 thousand. The notification concerned unforeseen and unavoidable costs related to the surrender of Mr. Alfred Yekatom in the case of *The Prosecutor v. Alfred Yekatom*.

4. Other matters

a) Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court

The Bureau took note that the report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court had been adopted by the Bureau under a silence procedure on 6 December 2018.

The Bureau took note of the information provided by the Republic of Korea regarding a 6 December 2018 meeting between underrepresented States Parties and the Registry on the issue of geographical representation and gender balance in the recruitment of staff. Those States had urged the Registry to address the issue, including by the creation of a five-year action plan for recruitment which would include a focus on underrepresented regions and States Parties.

b) Eighteenth meeting of the Bureau: agenda and decisions

The Bureau took note that the agenda and decisions of the eighteenth meeting of the Bureau, held on 4 December, had been adopted.

c) Prosecutor's preliminary observations concerning the election process of the next Prosecutor of the International Criminal Court

The Bureau was informed that the Prosecutor had submitted a paper, dated 6 December 2018, entitled "Prosecutor's preliminary observations concerning the election process of the next Prosecutor of the International Criminal Court".

Some Bureau members expressed appreciation to the Prosecutor for her paper but noted that the Bureau was still to take a decision on the process for the election of the next

Prosecutor, including a possible role for experts. While the inclusion of a role for experts could be beneficial to the process, it was ultimately for States Parties to decide.

The President proposed to include the Prosecutor's paper, together with the Terms of Reference, as the starting point for his consultations with regional groups on the process for the election of the next Prosecutor. He was at the stage of gathering views from various stakeholders.

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