



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Eleventh meeting

15 October 2013

Agenda and decisions

The meeting was chaired by the President of the Assembly, Ambassador Tiina Intelmann (Estonia).

1. Reports of the Bureau Working Groups: The Hague Working Group

The Bureau adopted the following reports:

- a) Report of The Hague Working Group on cooperation, dated 10 October 2013.
- b) Report of The Hague Working Group on legal aid, dated 10 October 2013.
- c) Report of The Hague Working Group on victims and affected communities and the Trust Fund for Victims, including reparations and intermediaries, dated 10 October 2013.
- d) Report of the Working Group on the Independent Oversight Mechanism, dated 10 October 2013.
- e) Report of The Hague Working Group on complementarity, dated 14 October 2013.

As regards Strategic Planning, the President indicated that consultations were on-going and requested the facilitator to ensure that the report was submitted to the Bureau for its approval in advance of the Assembly session.

Study Group on Governance

The Bureau adopted the report of the Study Group on Governance, dated 10 October 2013.

2. Preparations for the twelfth session

a) Status of nominations

The Bureau took note that, at the close of the nomination period on 8 October 2013 for the election to fill a judicial vacancy, two candidacies had been submitted, by the Governments of Trinidad and Tobago and Uruguay, respectively.

The Bureau took note that the report of the Committee would be issued as soon as possible after the 18 October 2013 meeting, so as to allow States Parties to consider the recommendations.

The Bureau also noted that all documentation for the twelfth session, including those relating to the election to fill a judicial vacancy as well as the election of six members of the Committee on Budget and Finance, would be posted on the website of the Assembly. Furthermore, the Secretariat would prepare a consolidated document of all nominations received for the respective elections.¹

b) Side events

The Bureau took note that the Secretariat had, on 11 October 2013, circulated a message requesting States, observers and non-governmental organizations wishing tentatively to hold side-events to indicate their interest to the Secretariat by 25 October 2013, with a view to the preparation of a draft Journal for dissemination before the end of October 2013. Furthermore, it noted that time slots would be allocated to the respective side events once a consolidated list had been prepared by the Secretariat; the list would ensure that there was no conflict with scheduled meetings of the Assembly.

General debate

The President noted that the general debate would present an opportune moment for political discussion among States Parties on issues that had arisen. She recalled her 8 October 2013 letter to in which she had indicated, inter alia, that the Assembly was the only forum for States Parties to have a political dialogue on issues of concern to the Assembly and noted that a number of States Parties had expressed a wish for such a political dialogue. Furthermore she had invited States to engage with each other on challenges faced by the Court and had suggested the tentative topic of complementarity as a possible area of focus for the general debate. She recalled that the letter was an element of the 3 October 2013 agreement by the Bureau on the designation of a theme for the general debate, on which there had not been consensus.

Furthermore, the President had received information that a number of States Parties intended to have higher-level representation, i.e. ministerial level, which Bureau members welcomed.

In her discussions with the Chairperson of the African Union Commission, Ms. Nkosazana Dlamini Zuma, the President had indicated that she would request the Bureau to facilitate the request of any high level representative of the African Union to address the Assembly. She recalled that the United Nations High Commissioner for Human Rights, Ms. Navi Pillay, and the Secretary-General of *l'Organisation*

¹ http://www.icc-cpi.int/en_menus/asp/elections/Pages/election%20-%202013.aspx

internationale de la Francophonie, Mr. Abdou Diouf, would address the Assembly at the opening plenary on 20 November 2013.

The Bureau took note that the speakers' list would open on 21 October 2013, and that the Secretariat would make available the provisional list on a regular basis.

3. Other matters

a) Recent developments

The President referred to the exchange of letters between the African Union and the Court, whereby the former had requested the Court to take certain measures, and the Court's indication that it was bound by the legal framework of the Rome Statute. This exchange had led her to highlight in her 8 October 2013 letter the availability of the Assembly as the only political forum for the discussion of such issues by States Parties.

The President recalled that States participating in the high-level debate of the sixty-eighth session of the United Nations General Assembly had expressed divergent views on the work of the Court.

The President had travelled to Addis Ababa for follow-up talks with Ministers whom she had met in New York during the high-level week, and had stressed that it was best for all parties to operate within the framework of the Rome Statute drafted by the States Parties. Furthermore, while awaiting the definitive outcome document of the 10-12 October Extraordinary Summit of the African Union held in Addis Ababa, it was nevertheless clear that the African Union had: 1) Agreed to formally request the United Nations Security Council to request the Court to defer the prosecution in the Kenya cases, pursuant to article 16 of the Statute; and 2) Decided that the President of Kenya, Mr. Uhuru Kenyatta, would not appear before the Court "until such time as the concerns raised by the AU and its Members States have been adequately addressed by the UN Security Council and the ICC".

Bureau members expressed support for an open dialogue of States Parties, especially where this would reinforce contacts with African Union Member States. It was noted that the presence of ministerial level representatives would enhance such a dialogue.

The President indicated that she would maintain engagement with all States Parties and actors, including the United Nations Secretariat and regional organizations.

b) Ambassadorial retreat

Bureau members considered possible topics that could be raised at the 16 October 2013 Ambassadorial retreat organized by the host State and Switzerland, which would bring together over 70 participants.

c) Next Bureau meeting

The next Bureau meeting would be held in New York.

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