



Twenty-first ICC-ASP Bureau Meeting

17 December 2010

Agenda and Decisions

The President of the Assembly, H.E. Mr. Christian Wenaweser (Liechtenstein), chaired the meeting

1. Search Committee for the position of Prosecutor

The President recalled that the terms of reference of the Search Committee¹ called for one member from each regional group to be appointed by the Bureau to serve on the Search Committee. He further recalled note verbale ICC-ASP/9/35, dated 15 December 2010, sent to the coordinators of the regional groups, urging them to submit one candidature per regional group as soon as possible, and certainly before the end of the year.

He informed the Bureau that he had been contacted by the Asian and Eastern European Groups, which had nominated H.R.H. Prince Zeid Ra'ad Zeid Al-Husseini, Permanent Representative of Jordan to the United Nations and H.E. Mr. Miloš Koterec, Permanent Representative of Slovakia to the United Nations, respectively, to serve on the Search Committee.

The delegation of the United Kingdom informed the Bureau that it had submitted the name of Sir Daniel Bethlehem, QC, Legal Adviser to the Foreign and Commonwealth Office, for nomination by the Western European and Others Group (WEOG). The candidature would be approved through a silence procedure by 21 December 2010.

The delegation of South Africa informed the Bureau that, after consultations within the African Group, it nominated H.E. Mr. Baso Sangqu, Permanent Representative of South Africa to the United Nations, to serve on the Search Committee on behalf of the African Group.

The delegation of the Bolivarian Republic of Venezuela informed the Bureau that discussions within the Group of Latin American and Caribbean States (GRULAC) were ongoing.

The President confirmed his understanding that appointments to the Search Committee would be on an *ad personam* basis, but that members could of course be assisted by staff within their own delegations.

¹ ICC-ASP/9/INF.2.

The President thanked all delegations for their efforts in engaging in consultations with a view to identifying candidates to serve on the Search Committee and declared his intention to subject the candidatures of the four known candidates to a silence procedure, once the United Kingdom candidature had been endorsed by WEOG. He urged GRULAC delegations to bring their consultations to a successful end speedily, and stated that the resultant candidature would likewise be subject to a silence procedure. He reiterated the need for the Search Committee to commence its work in January.

2. Terms of reference of the Working Groups of the Bureau

The Bureau decided to assign the mandates conferred upon it by the Assembly at its ninth session to its Working Groups as follows:

The Hague Working Group

- Governance (resolution ICC-ASP/9/Res.2-Establishment of a study group on governance)
- Cooperation (resolution ICC-ASP/9/Res.3- Strengthening the International Criminal Court and the Assembly of States Parties, paras. 11 -12)
- Complementarity (resolution ICC-ASP/9/Res.3, paras. 1 and 47)
- Strategic planning (resolution ICC-ASP/9/Res.3, paras. 36 - 42)
- Victims and affected communities (resolution ICC-ASP/9/Res.3, para. 49)
- Budget, including the issues of Contingency Fund (Contingency Fund (ICC-ASP/9/Res.4, part V, para. 3) and extension of the term of a judge, in particular, but not limited to, with regard to reparations proceedings (resolution ICC-ASP/9/Res.3, para. 50)
- Independent Oversight Mechanism (resolution ICC-ASP/9/Res.5- Independent Oversight Mechanism)
- Secretariat of the Trust Fund for Victims

New York Working Group

- Plan of action (resolution ICC-ASP/9/Res.3, para. 16)
- Advisory Committee on nominations (resolution ICC-ASP/9/Res.3, para. 25)
- Geographical representation and gender balance (resolution ICC-ASP/9/Res.3, para. 45)
- Amendments to the Rome Statute (resolution ICC-ASP/9/Res.3, para. 56)
- Arrears (resolution ICC-ASP/9/Res.3, para. 68)

Following a request for more time to consider the issue by some members of the Bureau, the Bureau decided to defer a decision on the topic of Peace and Justice (resolution ICC-ASP/9/Res.3, para. 59), until its next meeting.

Some members of the Bureau raised the issue of an imbalance in the distribution of topics between The Hague and New York Working Groups and, in this connection, they encouraged the Bureau to consider allocating more topics to the New York Working Group in the future. Another member of the Bureau reflected that most topics assigned to The Hague Working Group were best considered in close proximity to the Court and that the allocation of topics did not raise any concerns.

3. Briefing on negotiations with the host State on interim premises

The President recalled the letters he had exchanged with the Registrar of the Court on the subject of a possible extension of the rent-free period for the interim premises, which had been circulated to the Bureau. He had held consultations with the President and Registrar of the Court, as well as the coordinator of The Hague Working Group on the margins of the ninth session of the Assembly. It had been agreed that, in a first phase, the Court would negotiate with the host State at the highest possible level, that of the principals of the Presidency and Registry, and that a report to the Bureau on the progress of negotiations would take place by mid-February 2011. Should the outcome of these negotiations not be satisfactory, the Coordinator of The Hague Working Group would then, in conjunction with the President of the Court, conduct negotiations with the host State. These negotiations should be concluded in April, since the proposed programme budget of the Court for 2012 had to be prepared in May, which would necessarily have to take into account any programme budget implications resulting from the negotiations.

4. Other matters

a) Cooperation

The President recalled paragraph 12 of resolution ICC-ASP/9/Res.3 entitled Strengthening the International Criminal Court and the Assembly which reads:

Recognizes the negative impact that the non-execution of Court requests can have on the ability of the Court to execute its mandate; and *requests* the Bureau to prepare a report on what Assembly procedures could be required to enable it to discharge its mandate to consider any question relating to noncooperation and to submit that report to the Assembly for the consideration at its tenth session;

The Bureau decided to take up the issue of non-cooperation with the Court, at its next meeting. The Bureau would hear presentations from Kenya and Chad on the matter of the Decisions of Pre-Trial Chamber I, dated 27 August 2010, informing the United Nations Security Council and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's recent visit to Chad and Kenya. To that end, an invitation would be issued to Chad to attend the meeting.

b) Next Bureau meeting

The Bureau decided to hold its first meeting of 2011 on 11 January.
