



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Seventeenth ICC-ASP Bureau Meeting

5 November 2012

Agenda and Decisions

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

1. Adoption of the reports of the Bureau Working Groups

The President informed that the Bureau had adopted the following reports by silence procedure:

a) New York Working Group

- i) Report of the New York Working Group on arrears, dated 12 October 2012.

b) The Hague Working Group

- ii) Report of The Hague Working Group on complementarity, dated 25 October 2012.
- iii) Report of The Hague Working Group on the Strategic Planning process, dated 25 October 2012.

Study Group on Governance

The Bureau was informed that the Study Group on Governance had considered the 25 September 2012 proposal by the judges to amend the Rules of Procedure and Evidence and had subsequently adopted the report of The Study Group on Governance on rule 132 bis of the Rules of Procedure and Evidence, which had been conveyed to the Chair of the Working Group on Amendments, Ambassador Paul Seger (Switzerland). The Working Group on Amendments would consider this issue at its meeting on 7 November 2012.

2. Recommendation concerning the election on the Registrar

The Bureau considered a draft recommendation on the election of the Registrar, prepared by The Hague Working Group, dated 12 October 2012. Questions were raised regarding paragraph 2 (d) of the draft recommendation, wherein the judges were requested to take into account that a candidate for the position of Registrar should have “preferably a sound legal background.” The view was expressed that this requirement, which was not contained in the Assembly’s recommendations prior to the last Registrar election and was not contained in the Rome Statute, would narrow the scope of candidates. Questions regarding the reasons for the inclusion of this new element were also raised.

The President undertook to seek further information from the Coordinator of The Hague Working Group and to update the Bureau accordingly.

3. Advisory Committee on Nominations: Bureau working group

The Chair of the Working Group, Mr. Dire Tladi (South Africa), briefed the Bureau on the work of the Working Group, which had held four meetings, on 9, 16, 23 and 24 October 2012, as well as an interactive discussion with members of the Bureau, arriving at the recommendation contained in paragraph 18 of the report. The Working Group had been firm that all the conditions in the terms of reference had been met.

The President thanked the members of the Working Group for their expeditious work. The Bureau adopted the recommendations contained in the report (ICC-ASP/11/47) and decided to forward them to the Assembly. The President undertook to bilaterally inform the States that had presented candidates.

Report of the Bureau Working Group on the Advisory Committee on Nominations

ICC-ASP/11/47

ENG - http://www.icc-cpi.int/iccdocs/asp_docs/ASP11/ICC-ASP-11-47-ENG.pdf

FRA - http://www.icc-cpi.int/iccdocs/asp_docs/ASP11/ICC-ASP-11-47-FRA.pdf

4. Membership in the Bureau and notifications to Bureau members

It was recalled that the prior Bureau had considered the issue of the configuration of the Bureau, especially with regards to the status of the host State. At that time, delegations had expressed concerns about changing the balance within the Bureau. A decision was subsequently reached that the host State would be invited where host State issues were to be discussed.

The Bureau decided to invite the host State and to convey documentation to it only when host State issues would be discussed at a meeting. At the beginning of such a Bureau meeting, the Bureau would formally decide to invite the host State to participate.

5. Other matters

a) Non-cooperation

The Bureau decided to adopt the draft paragraph on non-cooperation for inclusion in the omnibus resolution (annex), which would operationalize the recommendation contained in paragraph 19 of the report of the Bureau on non-cooperation and to forward this language to the facilitator of the omnibus resolution.

Regarding the suggestion that the Bureau meet with the States Parties members of the Security Council, it was proposed that such a meeting be held in December, and that both the outgoing and incoming States Parties on the Council be invited. The President would look into the possibility of arranging such a meeting.

b) Rationalization of the Bureau term of office

The focal point on the rationalisation of the Bureau term of office, Mr. João Madureira (Portugal), informed the Bureau that an informal meeting on this subject would take place on 6 November 2012.

c) Staff Pension Committee

Upon nomination by The Hague Working Group, the Bureau appointed Ms. Andrea Jiménez Herrera (Colombia) as an alternate member of the Staff Pension Committee for a two year period.

d) Eleventh session of the Assembly

The Bureau adopted a modified work programme, dated 5 November 2012. The Bureau recalled its earlier decision to avoid, insofar as possible, overlap between substantive consultations at the Assembly.

Regarding the opening session, the President informed the Bureau that the President of Senegal, H.E. Macky Sall, would address the Assembly, followed by the Legal Counsel of the United Nations, representing the Secretary-General. Under agenda item 9, "Report of the Court", the President and Prosecutor of the Court would address the Assembly. Additionally, the Bureau decided to grant the Registrar's request to make a brief address to the Assembly under this agenda item, in connection with the end of her term of office.

The delegation of Switzerland, on behalf of the focal points on peace and justice, recommended that a keynote speaker be identified to address the Assembly on the topic. The President, while cautioning that time until the Assembly was short, undertook to establish contact with a possible keynote speaker to ascertain the requisite availability.

e) Election of the Deputy Prosecutor

The President informed the Bureau that the final meeting of States Parties with a candidate for the post of Deputy Prosecutor would take place in the framework of the New York Working Group on 6 November. It was suggested that for such meetings in the future, measures should be taken to ensure equal treatment of all the candidates in terms of meeting rooms, presiding officers, etc.

As regards the election of the Deputy Prosecutor at the eleventh session of the Assembly, it would be necessary to identify one national teller from each regional group. The President encouraged Bureau members to consider serving in this function or to confer with their regional groups with the aim of communicating the name of the teller to her by 8 November 2012.

f) President's activities

The President briefed the Bureau about her recent trips to the seat of the Court and the seat of the African Union in Addis Ababa, where she had held a very constructive meeting with Bureau member States represented in that capital. She had also participated in a *salon diplomatique* and met with representatives of the African Union Commission. The open debate of the United Nations Security Council on the International Criminal Court had attracted attention in both these fora.

g) Journal of the Assembly

An advance version of the Journal, containing official activities of the Assembly and side events, had been sent by the Secretariat via e-mail to States Parties.

h) Draft report of the Bureau

The Bureau decided to include in its draft report an update on the facilitation regarding the follow-up to the election of the Prosecutor, indicating that this was an on-going process.

i) Future meetings of the Bureau

The Bureau would meet in the afternoon of 13 November 2012 in The Hague. Another meeting would be held on 23 November 2012, for the purpose of assigning topics to the respective Working Groups. A further meeting would be held in early December in order to appoint those facilitators and focal points identified.

ANNEX

Draft paragraph on non-cooperation for the omnibus resolution

Non cooperation

Decides to amend paragraph 16 of the Assembly procedures on non-cooperation¹ as reflected in annex [...]

Annex

The Assembly of States Parties

Decides to replace paragraph 16 of the Assembly procedures on non-cooperation² with the following text:

“(a) Regional focal points for cooperation

16. In order to assist the President in his or her good offices, the Bureau would appoint four focal points from among States Parties, on the basis of the principle of equitable geographical representation.”

¹ *Official Records...Tenth session...2011(ICC-ASP/10/Res.5, annex).*

² *Official Records...Tenth session...2011(ICC-ASP/10/Res.5, annex).*