



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Seventh meeting

15 August 2014

Agenda and Decisions

The meeting was chaired by the President of the Assembly, H.E. Ms. Tiina Intelmann (Estonia).¹

1. Thirteenth session of the Assembly of States Parties

a) Judicial vacancy

Concerning the judicial vacancy resulting from the communication of 3 June 2014 in which Senator Defensor Santiago had informed the Court that she was stepping down as judge-elect for medical reasons, the President referred to the applicable norm on judicial vacancies² and recalled that the Bureau had considered over the course of two months different options for setting the date to fill the judicial vacancy in the framework of a facilitation set up for this purpose, bearing in mind that the Assembly is also due to hold a regular election of six judges during the upcoming Assembly session and the need for the Bureau to act within the legal framework established by the Assembly.

The Bureau concluded that it was not possible to set the date of the election for the period 8-17 December 2014 in a way that would allow the election to take place within the existing legal framework and therefore decided to refer the matter to the Assembly with the recommendation to consider scheduling the election to fill the judicial vacancy in 2015.

The Bureau further decided to propose to the Assembly a technical amendment which would seek to align the nomination periods for regular judicial elections with that of elections to fill judicial vacancies to allow sufficient time for the work of Advisory Committee on Nomination of Judges. The Bureau appointed Argentina to conduct these consultations.

¹ Incoming Bureau members that had been previously endorsed by the Bureau were invited to attend as observers.

² Paragraph 27 (a) of resolution ICC-ASP/3/Res.6 as amended by resolution ICC-ASP/5/Res.5 states that the Bureau, “within one month of the occurrence of the judicial vacancy, (...) shall fix the venue and date of the election, which should not be later than 20 weeks after the occurrence of the vacancy unless the Bureau decides otherwise after consulting the Court”.

b) Selection of the President and Bureau for the thirteenth to sixteenth sessions of the Assembly³

(i) President

The Bureau was informed that consultations to identify a consensus candidate for the position of President of the Assembly were ongoing.

The President informed the Bureau that at a previous meeting of African States Parties it had been decided to give more time for consultation among the countries that had presented candidates. In this spirit, she had written a letter to the Presidents of the three countries concerned inviting them to conduct consultations, especially bearing in mind the US-Africa Summit in Washington DC which took place in early August.

The President informed the Bureau that two candidate countries strongly favour the approach she proposed to engage in consultations and the proposal by the Vice President, Amb. Ken Kanda (Ghana), in case the consultations do not produce a result, to conduct an indicative vote among African States Parties to allow for African States Parties to present a joint candidate to the membership as a whole. The third candidate country appears to see merit in a vote at the Assembly session in December.

The Bureau remains seized of the matter and will receive a further report from the Vice President in a few weeks.

(ii) Bureau members

The Bureau decided to endorse Argentina, Colombia, Costa Rica and Uruguay for election to the Bureau for the thirteenth to sixteenth sessions of the Assembly. The Bureau took note of the intention of Argentina to step down in the middle of its mandate, and of the wish of GRULAC to present Chile as candidate to fill the ensuing vacancy.

c) Provisional agenda of the thirteenth session

The Bureau considered the draft provisional agenda for the thirteenth session, dated 13 August 2014, and decided to revert to its consideration at the next Bureau meeting.

d) Status of nominations

(i) Election of judges

The Bureau took note that the nomination period for the election of six judges had closed on 3 August 2014 and that there were 17 candidates.⁴

The President recalled that the Advisory Committee on Nomination of Judges will hold its meeting in New York from 8 to 12 September 2014. The President informed the Bureau that a separate civil society process to assess the qualifications of the candidates was being organized by the CICC the same week but that these two were entirely separate processes.

³ The annex reflects the terms of office of the Bureaux of the Assembly.

⁴ http://www.icc-cpi.int/EN_Menus/asp/elections/judges/2014/nominations/pages/default.aspx

(ii) *Election of six members of the Committee on Budget and Finance*

The Bureau recalled that during the thirteenth session, the Assembly will elect six members of the Committee on Budget and Finance and that the Secretariat's note verbale ICC-ASP/13/SP/07 of 18 March 2014 had informed that the nomination period which has opened on 9 June would end on 31 August 2014 (CET).

The Bureau noted that vacancies on the Committee on Budget and Finance are from the following regional groups: one (1) from the Group of African States; two (2) from the Group of Asia-Pacific States; one (1) from the Group of Eastern European States; one (1) from the Group of Latin American and Caribbean States; and one (1) from the Group of Western European and Other States.

The Bureau noted with concern that as of 15 August only one country had put forward a nomination, although the Bureau was informed of the intention of an existing WEOG member of the CBF to run for re-election.⁵

The Bureau urged States Parties to present candidates, for this crucial subsidiary organ, by the close of the nomination period on 31 August 2014 (CET).

2. Vacancy on the Committee on Budget and Finance

The Bureau took note of the resignation, effective 30 July 2014, of Mr. Gilles Finkelstein (France) from the Committee on Budget and Finance.

In order to fill this vacancy, the Bureau decided to include an agenda item entitled "Election to fill a vacancy of the Committee on Budget and Finance" in the provisional agenda of the thirteenth session of the Assembly and to fix the nomination period for that election which would open on 14 September and close on 26 October 2014.

The Bureau noted that the new member of the Committee would be elected for the remainder of the term of Mr. Finkelstein, i.e. until 20 April 2017, and would be eligible for re-election.

3. ILOAT decision on judges' pensions

The Bureau took note of the decision of the International Labour Organization Administrative Tribunal of 9 July 2014 in the case Nsereko and Cotte v. ICC, Judgement No. 3359, regarding the judges' pension scheme⁶ which, inter alia, had decided that "the Assembly complete its consideration of its December 2007 decision."

The Bureau decided to consider the matter further at its next meeting on the basis of concrete proposals to be put forward by its members.

4. Other matters

a) Sixth report of the Registry on legal aid

The Bureau took note of the sixth quarterly report of the Registry on legal aid,⁷ which had been submitted in accordance with resolution ICC-ASP/11/Res.1.

⁵ http://www.icc-cpi.int/en_menus/asp/elections/Pages/election2014.aspx

⁶ [http://www.ilo.org/dyn/triblex/triblexmain.fullText?p_lang=en&p_judgment_no=3359&p_language_code=EN&p_word=international criminal court.](http://www.ilo.org/dyn/triblex/triblexmain.fullText?p_lang=en&p_judgment_no=3359&p_language_code=EN&p_word=international%20criminal%20court)

⁷ ICC document CBF/23/3 dated 28 July 2014.

b) Recruitment of the Head of the IOM

The Bureau was informed about the work of the recruitment panel which would strive to present its recommendation to the Bureau at the end of August. The President informed the Bureau that she intended to put the recommendation of the panel to be decided by the Bureau via silence procedure. To facilitate speedy decision-making, the Bureau appointed Belgium to conduct informal consultations on the matter in case such consultations are requested by a Bureau member.

The Bureau took note that upon request from the United Nations, the loan contract of the temporary head, Ms. Kristina Carey, had been extended until the end of September 2014, for the purposes of her annual leave.

c) Judicial developments

The Bureau noted that on 24 July 2014 the Appeals Chamber of the Court had unanimously confirmed Pre-Trial Chamber I's decision which declared the case against Mr. Abdullah Al-Senussi inadmissible.

d) Developments at the United Nations Security Council and the United Nations

The Bureau was briefed by Bureau members sitting at the United Nations Security Council of the visit of the Council to The Hague where fourteen of the fifteen Council members met with the President, Deputy Prosecutor and Registrar of the Court on 11 August.

The Bureau welcomed the initiative of States Parties sitting at the Council to strengthen the dialogue between the Council and the Court, taking into consideration due respect to the judicial independence of the Court and of the political mandate of the Council.

The Bureau decided to engage in further consultations with States Parties sitting in the Council to explore the means by which the Bureau should support these initiatives from States Parties.

e) Contingency Fund

The Bureau took note of the notification, dated 31 July 2014, of access to the Contingency Fund sent by the Court to the Chair of the Committee on Budget and Finance, pursuant to Regulation 6.7 of the Financial Regulations and Rules, in order to cater for investigative and prosecutorial activities related to offences against the administration of justice under article 70 of the Rome Statute, as well as for the provision of services related to unforeseen developments.

The Bureau also noted that the total amount of Contingency Fund access notifications for 2014 is €4,754,900.⁸

f) Pledges

The Bureau took note of the 12 August 2014 note verbale circulated to all States Parties inviting States to convey information on the progress of the implementation of the

⁸ Consolidated information on Contingency Fund notifications for 2014 is available to States Parties on the ASP Extranet <https://extranet.icc-cpi.int/asp/Pages/default.aspx>.

pledges made at the Review Conference and to submit by 19 October 2014 additional pledges they wish to make.⁹ The Bureau decided to encourage States to reply to the note verbale.

*g) Activities of the President*¹⁰

The President informed the Bureau of the Congressional Briefing which she had imparted at the United States House of Representatives and which had been organized by the Washington Working Group on the ICC with the support of the office of US Congress Representative Jim McGovern. Furthermore the President had held meetings with officials from the State Department in July 2014.

The Bureau was informed of forthcoming travel by the President in August to Brazil, and to the International Humanitarian Law Dialogues Annual Meeting of Prosecutors in Chautauqua, New York; and in September to Johannesburg for a conference on the ICC and Africa sponsored by the Governments of Estonia and Switzerland.

h) Next meeting

The Bureau decided to meet again in mid-September.

Annex

⁹ The note verbale is available at http://www.icc-cpi.int/en_menus/asp/sessions/documentation/13th-session/Pages/default.aspx.

¹⁰ In coordination with the Public Information and Documentation Section (PIDS) of the Court, relevant activities of the President are being included in the Weekly Updates issued by the Court, available http://www.icc-cpi.int/en_menus/icc/press%20and%20media/icc%20weekly%20update/Pages/index.aspx.

Terms of office of the Bureaux of the Assembly of States Parties

Bureau terms (including ASP sessions it assumes responsibility for)	Election	Period - 3 years (RS article 112 (3) (a))	Commencement of three year term of office (per amended rule 29 Rules of Procedure of the ASP adopted at the twelfth session, enters into force as of the fourteenth session of the Assembly)	End of term (per amended rule 29 Rules of Procedure of the ASP)
Bureau #4 (current) ASP10-ASP12	1 st day of ASP 10	2011-2014	ASP10 (election was held on the first day of ASP10) Term: 12 December 2011 to 8 December 2014 <i>N.B. Amended rule 29 not applicable</i>	ASP 13, first day (election of Bureau#5 would take place on 8 December 2014) <i>N.B. Amended rule 29 not applicable</i>
Bureau #5 First day of ASP13. ASP13-15, plus until the end of ASP16 (exceptional fourth ASP session to allow for application of amended rule 29)	1 st day of ASP 13	2014-2017	ASP 13 Term commences: beginning of ASP13 (8 December 2014 to November/December 2017) <i>N.B. Amended rule 29 not applicable when Bureau#5 starts its term; the amended rule enters into force as of the fourteenth session of the ASP</i>	ASP 16 Hand over to Bureau #6 <i>at end of</i> ASP16 session (2017) <i>As per amended rule 29</i>
Bureau #6 ASP17-19	At ASP 16	2017-2020	ASP 16 Term commences at end of ASP16 session (2017)	ASP 19 Hand over to Bureau #7 <i>at end of</i> ASP19 session (2020)
Bureau #7 ASP20-ASP22	At ASP 19	2020-2023	ASP 19 Term commences end of ASP19 session (2020)	ASP 22 Hand over to Bureau #8 <i>at end of</i> ASP22 session (2023)

Bureau #5 tentative schedule:

- ASP13 (NY): 8 Dec.2014 to 17 Dec. 2014, plus the months leading up to ASP14
- ASP14 (Hague): 18 Nov. 2015 to 26 Nov.2015, plus the months leading up to ASP15
- ASP15 (Hague): 7 Dec. 2016 to 15 Dec. 2016, plus the months leading up to ASP16 and *also* the days of the session of ASP16, which would take place in New York in 2017
- ASP16 (NY): 4 Dec. 2017 to 13 Dec. 2017

Bureau #6 tentative schedule:

-Bureau #6 would commence its three year term of office at the end of the last day of the ASP16 session taking place in NY, ie at the end of 13 Dec. 2017, and thus continue with the months leading up to ASP17;

-ASP17 (Hague): Nov/Dec.2018

-ASP18 (Hague): Nov/Dec.2019

-ASP19 (NY): Nov/Dec.2020

Bureau #7 tentative schedule:

-Bureau #7 would commence its three year term of office at the end of the last day of the ASP19 session tentatively taking place in NY, ie at the end of the last day of the ASP19 in Dec. 2020 and thus continue with the months leading up to ASP20;

ASP20 (Hague): Nov/Dec.2021

ASP21 (Hague): Nov/Dec.2022

ASP22 (NY): Nov/Dec.2023

-Bureau#8 would commence its three year term of office at the end of the last day of the ASP22 session tentatively taking place in NY, i.e. at the end of the last day of ASP22 in Dec. 2023, and thus continue with the months leading up to ASP23 and so on. Thus each incoming Bureau would, as of Bureau #6, commence its three year term of office at the end of an ASP session and be entrusted with the preparation of three ASP sessions up to and including the final day of that third ASP session it has prepared.

Note: with the exception of the dates for ASP13, the dates of future ASP sessions are tentative and have been included for the sole purpose of assisting in setting out the terms of future Bureaux; the tentative dates for future ASP sessions bear in mind, inter alia, the dates of the annual Conference of States Parties to the Chemical Weapons Convention which takes place in The Hague and which many Hague based delegations must attend (which thus is a key element in determining the dates of ASP sessions).

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