



## **BUREAU OF THE ASSEMBLY OF STATES PARTIES**

### **Eighth meeting**

18 September 2014

### Agenda and decisions

*The meeting was chaired by the President of the Assembly, H.E. Ms. Tiina Intelmann.*

*Future Bureau members were invited to participate as observers, in accordance with the Bureau's prior discussions on facilitating a smooth transition to the incoming Bureau.*

#### **1. Thirteenth session of the Assembly of States Parties**

- a) *Selection of the President and the Bureau for the thirteenth to sixteenth sessions of the Assembly*

The Bureau had before it a copy of a letter from the Vice-President of the Assembly, H.E. Mr. Ken Kanda (Ghana), addressed to President Intelmann, dated 9 September 2014, in which the Vice-President informed that on 28 August African States Parties to the Rome Statute had decided to present H.E. Mr. Sidiki Kaba, Minister of Justice of Senegal, as African candidate for the position of President of the Assembly of States Parties for the thirteenth to sixteenth sessions (2014-2017).

The Vice-President recalled that three African States Parties had put forward very qualified candidates and briefed the Bureau on the consultation process which led to the decision of African States Parties to present H.E. Mr. Kaba as candidate.

The Bureau decided to endorse H.E. Mr. Kaba for the position of Assembly President for the thirteenth to sixteenth sessions, and to recommend to the Assembly his election at the beginning of the next session of the Assembly on 8 December 2014.

Bureau members expressed their satisfaction with the process which resulted in the identification of a staunch long-standing supporter of the International Criminal Court as President of the Assembly. The President expressed her deep appreciation to Amb. Kanda for the skillful discharge of his mandate on this extremely important matter.

The President expressed her appreciation also to Botswana and Sierra Leone for putting forward supremely qualified candidates. She further informed that she intends to reach out to the countries concerned, to thank them, to communicate to them the endorsement for them to embrace, and to discuss their continued support to the Rome Statute system.

The Bureau was informed that a New York Working Group will be convened on 1 October at 11:00 to present H.E. Mr. Sidiki Kaba to the wider membership of the Assembly, and to give him the opportunity to inform States Parties about his plans. A Bureau meeting with H.E. Mr. Kaba will also be planned during his visit to New York.

With regard to the selection of the Bureau for the thirteenth to sixteenth sessions of the Assembly, the President recalled that the Bureau has endorsed the following States to serve as Bureau members as of 8 December 2014:

- Africa: Ghana, Nigeria, South Africa and Uganda.<sup>1</sup> In light of the candidature of H.E. Mr. Kaba, the Bureau decided to also endorse Senegal as fifth member of the African States to the next Bureau.
- Asia-Pacific: Japan, Republic of Korea and Samoa.<sup>2</sup>
- Eastern Europe: Czech Republic, Hungary, Romania and Slovenia.<sup>3</sup>
- WEOG: Germany, Italy, Netherlands, Sweden and the United Kingdom.<sup>4</sup>

The Bureau was informed by Trinidad and Tobago, the focal point from GRULAC, of the withdrawal of the candidature of Argentina for the Bureau. On the basis of this decision by GRULAC, the Bureau decided to recommend Chile, in addition to Colombia, Costa Rica and Uruguay,<sup>5</sup> to the Assembly for election at the opening of the thirteenth session.

The Bureau noted that it had thus identified all 21 members of the incoming Bureau and recommended their election to the Assembly.

As regards membership, the Bureau was informed that GRULAC intends to seek an increase of Bureau seats to ensure equitable geographical representation in the Bureau.

*b) Provisional agenda of the thirteenth session*

The Bureau decided to adopt the provisional agenda for the thirteenth session of the Assembly, which the Secretariat would issue as an official document shortly.

The Bureau will consider the provisional work programme with allocation of times to specific agenda items at a future Bureau meeting.

*c) Status of nominations for the election of six members of the Committee on Budget and Finance*

The Bureau took note that the nomination period for the election of six members of the Committee on Budget and Finance<sup>6</sup> had ended on 14 September (after being extended once). The Bureau took note that as of 12 September 2014 seven States Parties had nominated candidates for six seats: Canada, Ecuador, Japan, Jordan, Madagascar, Republic of Korea and Slovakia<sup>7</sup>.

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<sup>1</sup> Endorsed by the Bureau on 18 July 2014.

<sup>2</sup> Endorsed by the Bureau on 30 June 2014.

<sup>3</sup> Endorsed by the Bureau on 30 June 2014.

<sup>4</sup> Endorsed by the Bureau on 18 July 2014.

<sup>5</sup> Endorsed by the Bureau on 15 August 2014.

<sup>6</sup> From 31 August to 14 September.

<sup>7</sup> [http://www.icc-cpi.int/en\\_menus/asp/elections/committee%20on%20budget%20and%20finance/2014/Pages/2014-CBF-Nomination.aspx](http://www.icc-cpi.int/en_menus/asp/elections/committee%20on%20budget%20and%20finance/2014/Pages/2014-CBF-Nomination.aspx).

Given that there are three candidates for the two seats allocated to the Asia-Pacific region at this election, the Bureau was informed that the three countries concerned would hold consultations with a view of coming to an agreement to proceed with an election by consensus.

The Bureau also noted that the nomination period for the casual vacancy seat opened on 14 September and will end on 26 October 2014.

## **2. Amendments to the norms on judicial vacancies**

The Bureau recalled the need for a technical amendment, which would seek to align the nomination period for regular judicial elections with that of elections to fill judicial vacancies to allow sufficient time for the work of the Advisory Committee on Nomination of Judges. The Bureau was informed by the facilitator, Ms. Fernanda Millicay (Argentina), that she would circulate an amendment proposal to resolution ICC-ASP/3/Res.6 to the Bureau for comments. After informal discussion in the Bureau the facilitator would then open the consultations to all States Parties before submitting an amendment proposal to the Bureau for recommendation of adoption to the Assembly.

## **3. Other matters**

### *a) Advisory Committee on Nominations*

The Bureau was informed that the third meeting of the Advisory Committee on Nominations had taken place from 8 to 12 September 2014, at the United Nations Headquarters in New York and that the report of the third meeting<sup>8</sup> should be available by 26 September.

The Bureau was further informed that civil society, under the umbrella of the Coalition for the International Criminal Court had also conducted a parallel evaluation process.

### *b) Recruitment of the Head of the Internal Oversight Mechanism (IOM) – update*

The President informed the Bureau that she had received information from H.E. Mr. Jorge Lemcke, Ambassador of Guatemala to the Netherlands, in his capacity as Chair of the recruitment panel for the Permanent Head of the IOM. After an extensive recruitment process eight candidates had been shortlisted for interviews (two from Africa; one from Asia-Pacific; and five from WEOG; six are male and two are female); all are nationals of States Parties and fluent in both English and French. After the interviews the panel will send a ranked short list of three candidates to the Bureau for its decision.

### *c) Outreach activities*

The President informed the Bureau that the Court is conducting various outreach seminars with different partners, such as the facilitator on cooperation.

The Bureau was informed that an outreach seminar, in the context of the cooperation facilitation, was held in Buenos Aires in May and that three more are planned in Senegal (end of October); Benin, (3-4 November); and tentatively in Vietnam, (in cooperation with the Organisation Internationale de la Francophonie).

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<sup>8</sup> ICC-ASP/13/22.

d) *Consultations on improving the governance of the Assembly*

With respect to the retreat convened by the President of the Assembly on governance of the Assembly on 3 June, the President informed that she will convene an informal meeting of the Bureau to take action on improving the governance of the Assembly and to prepare for the upcoming Assembly session once the retreat summary is circulated to the Bureau.

e) *Judicial developments*

The Bureau took note of recent judicial developments at the Court:

On 1 September 2014, Pre-Trial Chamber I decided to postpone the commencement of the confirmation of charges hearing in the case *The Prosecutor v. Charles Blé Goudé* to 29 September 2014, at the Defence's request in order for the Defence to complete its preparation for the hearing previously scheduled for the 22 September 2014.

On 5 September 2014, the Prosecution filed a notice regarding the provisional trial date and requested the Trial Chamber to further adjourn the trial of Mr. Kenyatta until the Government of Kenya executes in full the Prosecution's April 2014 Revised Request for records.

On 11 September 2014, Trial Chamber IV issued, by majority, an arrest warrant against Abdallah Banda Abakaer Nourain, who was previously under a summons to appear. The arrest warrant has been deemed the only way to ensure Mr. Banda's appearance in The Hague. The Chamber vacated the trial date previously scheduled to open on 18 November 2014 and directed the ICC Registry to transmit the new requests for arrest and surrender to any State, including the Sudan, on whose territory Mr. Banda may be found.

On 12 June 2014, Pre-Trial Chamber I confirmed, by majority, four charges of crimes against humanity against Laurent Gbagbo and committed him for trial before a Trial Chamber. On 17 September 2014, the Presidency of the ICC re-constituted Trial Chamber I, which will be in charge of the case *The Prosecutor v. Laurent Gbagbo*.

On 28 August Pre-Trial Chamber I decided that further submissions by Côte d'Ivoire relevant to its challenge to the admissibility of the case against Simone Gbagbo before the Court and any evidence in support thereof shall be filed by 10 October 2014.

The President highlighted that these are judicial matters and that any action required from States Parties would be communicated formally by the Court to States Parties.

f) *Developments at the UN Security Council and the UN*

The Bureau was briefed by a member of the UN Security Council of the adoption on 29 August 2014 of Resolution 2175 (2014), originally tabled by the United Kingdom, on the Protection of Humanitarian Personnel which in its preamble refers to the definition of war crimes under the Rome Statute and recognizes the contribution of the International Criminal Court to fight against impunity and to ensure accountability for genocide, crimes against humanity and war crimes.

The Bureau was also informed of the ongoing efforts of States Parties within the UN Security Council to identify and promote adequate means for the UN Security Council to respond to the communications received by the Court and by the President of the Assembly concerning instances of non-cooperation.

The Bureau was informed that Argentina intends to organize an open debate on working methods of the Security Council during its Presidency in October. The open debate would allow for consideration of items related to the Court.

The Bureau took note of the adoption by consensus of the resolution on the International Criminal Court, by the UN General Assembly on 9 September 2014 (A/Res/68/305).

The Bureau was informed that President Song will travel to New York to deliver the annual report of the Court to the UN General Assembly on 30 October. The President of the Assembly called on States Parties to prepare for this debate taking into consideration past reports of the Court including the 2013 report of the Court on the status of ongoing cooperation between the International Criminal Court and the United Nations, including in the field (ICC-ASP/12/42).

*g) Activities of the President*

The President informed of her travel to Brazil and to The Hague to meet with States Parties, and of a recent meeting in The Hague with a Ukrainian delegation interested in closer interaction with the Court. The Bureau was informed that President Intelmann intends to closely follow up on the possibility of Ukraine's ratification of the Rome Statute.

The President also informed the Bureau of an event she attended in Johannesburg, financed by Estonia, Finland, The Netherlands, Norway and Switzerland, which benefited from the participation of numerous African officials, and allowed, inter alia, for the discussion of the Africa-ICC relationship and of the issue of amendments to the Rome Statute with the African Union Legal Counsel.

*h) Other matters*

The Bureau was informed by Switzerland of a retreat held in Glion, Switzerland, from 3 to 5 September on Strengthening the Proceedings at the Court, which has also touched upon the relationship between the Court and the Assembly.

*i) Next meeting*

The Bureau decided to convene around 1 October.

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