



## BUREAU OF THE ASSEMBLY OF STATES PARTIES

### Ninth meeting

30 September 2014

### Agenda and decisions

*The meeting took place in New York and 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. Presentation by H.E. Mr. Sidiki Kaba, Minister of Justice of Senegal, endorsed for the position of President of the Assembly of States Parties for the thirteenth to sixteenth sessions**

H.E. Mr. Sidiki Kaba, who had been endorsed as next president of the Assembly, briefed the Bureau on the work plan and vision for his presidency.<sup>1</sup>

Minister Kaba outlined four key priorities:

- Improving relations between Africa and the Court
- Strengthening cooperation of States Parties with the Court
- Strengthening domestic capacity in line with the principle of complementarity
- Working for the universality of the Rome Statute

Minister Kaba indicated that in the discharge of his mandate he would count on the support from all States Parties, from each of the members of the Bureau, and in particular from the future Vice-Presidents in New York and The Hague.

Minister Kaba reiterated his full commitment to his future endeavours, working from Dakar, as well as travelling regularly to New York and to The Hague. The Minister also indicated that in the discharge of his functions he benefits from the full support of H.E. Macky Sall, President of Senegal, and that the entire diplomatic network of his country would support him in New York, The Hague and wherever necessary in the discharge of his functions.

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

##### *a) Seating arrangement*

In accordance with Assembly decision ICC-ASP/1/Decision.4, Minister Kaba drew a lot to choose the State Party that would occupy the first desk on the Assembly floor: The Netherlands.

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<sup>1</sup> See the 2 October 2014 press release at [http://icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/PR1047.aspx](http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1047.aspx).

### 3. Other matters

#### a) *Advisory Committee on Nominations*

The Bureau took note of the report of the Advisory Committee on Nominations on the work of its third session, which had been distributed to States Parties and was available on the website.<sup>2</sup>

The President encouraged Bureau members to bring to the attention of their respective regional groups the report of the ACN and expressed hope that States Parties would be guided by the conclusions of the report in casting their vote during the judicial elections.

#### b) *Consultations on improving the governance of the Assembly*

The Bureau took note that the report of the Retreat on improving the Governance of the Assembly, organized by the President on 3 June 2014, had been distributed to its members and to participants in the retreat. The President indicated that she would convene an informal Bureau meeting in November to discuss concrete measures to address and implement the issues identified therein.

#### c) *Judicial developments*

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

On 29 September 2014, the confirmation of charges hearing in the case in the case *The Prosecutor v. Charles Blé Goudé* (situation in the Cote d'Ivoire) commenced with opening statements from the Prosecutor, Defence Counsel and the legal representative for victims. On 27 September 2014, the defence filed an application requesting Pre-Trial Chamber I to declare the case inadmissible due to insufficient gravity under articles 19(4) and 17(1).<sup>3</sup>

On 24 September the Prosecutor announced that she decided to open a second investigation in the Central African Republic (CAR) with respect to crimes allegedly committed since 2012.<sup>4</sup> In February 2014, following escalating violence in the CAR, she had opened a new preliminary examination to assess whether or not she could proceed with an investigation into what was a dire situation in the CAR. The transitional government of the CAR decided to refer the situation to the Office of the Prosecutor on 30 May 2014 requesting that she investigate alleged crimes falling within jurisdiction of the Court committed in the country since 1 August 2012. The report of the Prosecutor on article 53 (1) contains a comprehensive analysis of this decision.<sup>5</sup>

On 19 September 2014, Trial Chamber V(b) vacated the trial commencement date in the case *The Prosecutor v. Uhuru Muigai Kenyatta* (situation in Kenya) which had been provisionally scheduled for 7 October 2014. The Chamber convened two status conferences for 7 and 8 October 2014 to discuss the status of cooperation between the Prosecution and the Kenyan Government and issues raised in the Prosecution's Notice of 5 September 2014, respectively. The Chamber also required Mr. Kenyatta to be present at the second status conference. On 25 September the Defence Counsel submitted an application for Excusal

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<sup>2</sup> ICC-ASP/13/22, [http://icc-cpi.int/en\\_menus/asp/ACN/Pages/default.aspx](http://icc-cpi.int/en_menus/asp/ACN/Pages/default.aspx).

<sup>3</sup> [http://icc-cpi.int/en\\_menus/icc/situations%20and%20cases/situations/icc0211/related%20cases/ICC-0211-0211/Pages/default.aspx](http://icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/icc0211/related%20cases/ICC-0211-0211/Pages/default.aspx).

<sup>4</sup> [http://icc-cpi.int/EN\\_Menus/icc/press%20and%20media/press%20releases/pages/pr1043.aspx](http://icc-cpi.int/EN_Menus/icc/press%20and%20media/press%20releases/pages/pr1043.aspx).

<sup>5</sup> [http://icc-cpi.int/EN\\_Menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/pages/sit-car-art53-1.aspx](http://icc-cpi.int/EN_Menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/pages/sit-car-art53-1.aspx).

from Attendance pursuant to Rule 134 *quater* or to Adjourn the Status Conference Scheduled for 8 October 2014 and to permit Mr. Kenyatta to attend on a rescheduled date by means of video-link pursuant to rule 134 *bis*. On 29 September, the Office of the Prosecutor and the legal representative of the victims filed their respective responses to the defence application. The Trial Chamber will decide on this matter in due course.

On 18 September 2014, the Appeals Chamber scheduled a hearing on 21 October 2014 in the case *The Prosecutor v. Mathieu Ngudjolo Chui*. The Trial Chamber had rendered an acquittal decision in this case on 18 December 2012. The Appeals Chamber is scheduling a public hearing to be held on 21 October 2014 in relation to the 19 December 2012 appeal by the Prosecutor. At this hearing the Chamber would hear the parties and participants' views on issues raised in the appeal so as to assist the Appeals Chamber in clarifying and resolving these issues. After the hearing, the judges will render their final judgment on appeal in due course.<sup>6</sup>

d) Next meeting

The Bureau would convene at the end of October for a discussion with the President of the Court.

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<sup>6</sup> [http://icc-cpi.int/en\\_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/ICC-01-04-02-12/court-records/chambers/appeals%20chamber/Pages/199.aspx](http://icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/ICC-01-04-02-12/court-records/chambers/appeals%20chamber/Pages/199.aspx).