



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Second meeting**

**New York**

20 February 2017

Agenda and decisions

*The meeting was chaired by the President of the Assembly, H.E. Mr. Sidiki Kaba (Senegal).*

**1. Appointment of facilitators and focal points<sup>1</sup> (New York Working Group)**

The Bureau made the following appointments:

- a) Arrears: facilitator – Mr. Sebastian Rogac (Croatia)
- b) Geographical representation and gender balance in the recruitment of staff of the Court: facilitator – Mr. Patrick Luna (Brazil)
- c) Omnibus resolution: facilitator – Ms. Damaris Carnal (Switzerland)
- d) Non-cooperation: co-focal points – Australia, Czech Republic, Japan, Peru and Senegal.

As regards the activation of the Court's jurisdiction over the crime of aggression: Ms. Nadia Kalb (Austria).<sup>2</sup>

The Bureau was also informed that Italy will assume the informal role of focal point for the States Parties to the Rome Statute in the Security Council for 2017.

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<sup>1</sup> On 20 December 2016 the Bureau had decided on the allocation of mandates between the New York Working Group and The Hague Working Group.

<sup>2</sup> ICC-ASP/15/Res.5, annex I, para. 18(b): The Assembly of States Parties decides to establish a facilitation, based in New York, open only to States Parties, to discuss activation of the Court's jurisdiction over the crime of aggression, in accordance with the resolution RC/RES.6, which will make every effort to reach consensus and will submit a written report directly to the Assembly ahead of its sixteenth session.

## 2. Sixteenth session of the Assembly

### a) *Election of six judges*

As regards the election for six judges scheduled to take place at the sixteenth session of the Assembly, which would start on 4 December 2016, the Bureau decided to fix the 12-week nomination period to run from 24 April to 16 July 2017 (Central European Time), in accordance with the provisions of paragraph 3 of resolution ICC-ASP/3/Res.6, as amended by resolution ICC-ASP/12/Res.8.

The Bureau was also informed that, following past practice, a mock ballot for States Parties would be organized on 1 December 2017 at United Nations Headquarters. Additional information thereon would be conveyed to States Parties at a later date.

### b) *Election of six members of the Committee on Budget and Finance*

As regards the election of six members of the Committee on Budget and Finance, scheduled to take place at the sixteenth session of the Assembly, the Bureau decided to fix the 12-week nomination period to run from 5 June to 27 August 2017 (Central European Time).

## 3. Incoming Bureau

As regards the identification of a candidate from the Asia-Pacific region for President of the Assembly of States Parties, and further to the consideration which the Bureau had started at its 18 April 2016 meeting, Samoa indicated that it would assume the role of coordinating the consultations within the Asia-Pacific group. The Republic of Korea indicated that it was nominating Judge O-Gon Kwon as candidate to be the next President of the Assembly. Judge Kwon has had a distinguished judicial career which included serving at the International Criminal Tribunal for the former Yugoslavia for many years. The three-year term of the incoming President of the Assembly, along with that of the other 20 incoming Bureau members, will start on 15 December 2017.

The Bureau also appointed the following regional focal points to identify the other 20 incoming Bureau members:

Asia-Pacific:	Japan
Eastern European Group:	Czech Republic

The focal points for the other three regional groups would be appointed at a future meeting of the Bureau. The Bureau recalled the past composition of the Bureau members and set the date of 31 July 2017 as the deadline for the identification of new Bureau members.

The relevant provisions are, in particular, article 112 of the Rome Statute and rule 29 of the Rules of Procedure of the Assembly, as amended by resolution ICC-ASP/12/Res.8, annex III.<sup>3</sup>

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<sup>3</sup> Article 112, paragraph 3 (a) and (b):

“3. (a) The Assembly shall have a Bureau consisting of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms.

(b) The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world.”

Rule 29 (Composition and function):

The composition of the past Bureaux may be found on the website of the Assembly of States Parties.<sup>4</sup>

#### 4. Other matters

a) *Article 87(7) proceedings in respect of South Africa*

The Bureau recalled the Decision of Pre-Trial Chamber II on the convening of a public hearing for the purposes of a determination under article 87(7) of the Statute with respect to the Republic of South Africa, dated 8 December 2016.<sup>5</sup> The Bureau noted that the Pre-Trial Chamber II had invited any interested State Party wishing to do so to make written submissions on the matter directly to the Registry by 24 February 2017.

b) *Amendments to the Regulations of the Court*

The Bureau recalled that, on 6 December 2016, the judges of the Court had adopted amendments to seven of the Regulations of the Court during their thirty-fifth plenary session.<sup>6</sup>

Pursuant to article 52, paragraph 3, of the Rome Statute, those amendments took effect upon their adoption and had been circulated to States Parties for comments, which should be conveyed to the Secretariat of the Assembly by 13 June 2017. In the absence of objections from a majority of States Parties, the amendments would remain in force.

A State Party wishing to raise any queries should do so in writing, via the Secretariat. These queries would be subsequently submitted to the Court in order to provide responses and clarifications.

c) *Status of arrears and contributions*

The Bureau was informed that article 112, paragraph 8, regarding arrears was applicable to 15 States Parties. The Bureau was also informed that as of 31 January 2017, the Court had received 41 per cent of the contributions for 2017, a record for the month of January.

The President invited States Parties in arrears and those which still had outstanding contributions to deploy all efforts in order to make their financial contributions to the Court as soon as possible.

d) *Participation of Observer States in the deliberations of the Assembly of States Parties*

The Bureau had an exchange of views on the proposal which Colombia had submitted for consideration at the first meeting of the Bureau. In this connection, the Bureau concurred with the proposal by the President that the two Vice-Presidents of the Assembly expand the discussion on

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“1. The Assembly shall have a Bureau consisting of the President, who shall preside, two Vice-Presidents and eighteen members elected by the Assembly from among the representatives of the States Parties for three-year terms. (...)”

“2. The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world.”

<sup>4</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/Bureau/ASP1-15\\_BureauMembers-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Bureau/ASP1-15_BureauMembers-ENG.pdf)

<sup>5</sup> The Decision was conveyed to States Parties by the Secretariat on 9 December 2016.

<sup>6</sup> The amendments were conveyed to States Parties on 14 December 2016.

the subject matter to other States Parties and that bearing in mind those consultations the Bureau discuss the matter again at a future meeting in advance of the sixteenth session of the Assembly.

e) *Working methods*

As regards the paper, “Reform of the working methods of the Assembly of States Parties: Proposals for the Bureau of the Assembly of States Parties”, dated 14 February 2017, the President noted that three proposals contained in that paper remained to be addressed, that they might still require additional consultations thereon and in this connection, he proposed to discuss the way forward with the two Vice-Presidents of the Assembly.

f) *Activities of the President*

The President indicated that he continued to promote the ratification of the Rome Statute and had recorded a video to promote universality via social media. He also indicated his commitment and that of Senegal to promoting the Rome Statute and, in this connection, he noted that Senegal had donated a painting to the International Criminal Court which had been unveiled on 16 February.

The President informed the Bureau that he would meet the new Secretary General of the United Nations, H.E. Mr. Antonio Guterres. A meeting with the group of francophone ambassadors accredited to New York was also envisaged, under the auspices of the *Organisation internationale de la francophonie*. These meetings were aimed at promoting the values of the Rome Statute, the continuous call for support and cooperation with the International Criminal Court.

The President also informed the Bureau that he planned to organize a summit in Dakar on strengthening African judicial systems through complementarity and effective and dynamic cooperation with the International Criminal Court.

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