



Sixth ICC-ASP Bureau Meeting

3 May 2011

Agenda and decisions

The President of the Assembly, H.E. Mr. Christian Wenaweser (Liechtenstein), chaired the meeting.

1. Search Committee for the position of Prosecutor

The Deputy Coordinator of the Search Committee, Ambassador Miloš Koterec (Slovakia), briefed the Bureau on the progress of the work of the Search Committee, indicating that it had not held any meetings since 28 March, but that its members would continue to consult individuals, NGOs, and groupings of States, with a view to identifying possible candidates that would meet the criteria for selection based on article 42 of the Rome Statute. He also indicated that a new set of possible candidates with full resumés would be considered at the 2 June meeting of the Search Committee.

2. Consultations to identify a President for the tenth to twelfth sessions

The focal point, Ambassador Simona Miculescu (Romania), indicated that she had consulted with the African and the Eastern European groups, as well as with other regional groups regarding expressions of interest in the post, but that additional consultations would still be required and that she would keep the Bureau updated on her consultations.

The President of the Assembly recalled that the issue of identifying the new President via consultations was acquiring a sense of urgency given that it was already May. The point was also made that all agree on the need to identify the best possible candidate for the post, which did not necessarily imply that he/she would come from one of the two regional groups which had not yet held that post. The process of selection of the first three Presidents of the Assembly had been based both on finding the person with the appropriate profile and on securing cross-regional support for that person.

3. Consultations to identify a Bureau for the tenth to twelfth sessions

The focal points briefed the Bureau on their consultations as follows:

- African group: Gabon indicated that there was agreement for the group to be represented by Gabon, Ghana, Nigeria, South Africa and Uganda.
- Japan and the United Kingdom indicated that additional consultations were still required in order to have an agreement within their respective regional groups, as there were more expressions of interest in being part of the Bureau than seats allocated to the groups.
- Eastern European Group: Romania indicated that although there were already some expressions of interest, additional consultations were required.
- The update by Venezuela (Bolivarian Rep. of) would be made at the next meeting of the Bureau.

4. Interim premises

Bearing in mind the recommendations made by the Committee on Budget and Finance (“the Committee”) on the work of its sixteenth session, relating to the interim premises of the Court, the Bureau endorsed the proposal by the President to designate Australia to act as the facilitator with the host State on this issue. It was noted that although some consultations could be carried out in New York, most of the undertaking would fall upon the Ambassador of Australia to the Netherlands, who would liaise directly with the host State on the matter.

The President clarified that the mandate of the facilitator would be to seek to find a solution to the issues on interim premises referred to in the report of the Committee before the end of June 2011, while submitting regular reports to the Bureau as appropriate.

The representative of the host State recalled that it had met all its obligations vis-à-vis providing interim premises to the Court and that there was an expectation for all other States Parties to do the same. She also indicated that the Committee may have gone beyond its mandate in raising matters that were not limited to the budgetary dimension of the topic, such as a possible linkage between resolving the issue of interim premises and the possibility of relocating the Court to a third State. Furthermore, she noted that if the Bureau or the Assembly would be considering the possibility of seeking to relocate the Court to a third country, the host State would have to consider halting the work it is undertaking on the permanent premises, as that had considerable financial implications.

The point was made that the understanding as regards a possible relocation of the Court to a third State was exclusively of a temporary nature, as the seat of the Court would remain in the Netherlands until States Parties decided otherwise.

The President also noted that the Bureau had received an extract of an advance version of the report of the Committee, given the urgency of proceeding with the designation of the facilitator, while the final version of the report was still under preparation.

5. Non-cooperation

Mr. Stefan Barriga (Liechtenstein), indicated that as an initial step, informal consultations with Bureau members would take place in New York the week of 9 May. He invited Bureau members with any comments or queries on the paper entitled “Non-paper on potential Assembly procedures relating to non-cooperation”, dated 1 April 2011, prepared pursuant to resolution ICC-ASP/9/Res.3,¹ to contact him before the consultations.

6. Other matters

Independent Oversight Mechanism- Assurance Mapping Study

The Bureau was informed that the submission of the Assurance Mapping Study being prepared by the experts of the Internal Audit Division of the United Nations Office of Internal Oversight Services (IAD/OIOS) would be delayed by ten days due to the voluminous amount of information received. The submission would thus be made to The Hague Working Group of the Bureau before mid May.

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¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Ninth session, New York, 6-10 December 2010 (ICC-ASP/9/20)*, vol. II, part III, ICC-ASP/9/Res.3.para. 12.