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**Diplomatic Briefing  
4 November 2009  
Statement**

**Ms. Gaile A Ramoutar, Legal Officer, Secretariat of the Assembly of States Parties**

Excellencies, Ladies and Gentlemen,

It is my pleasure to be with you in order to convey some of the most important developments regarding States and the Court since our last diplomatic briefing.

**Recent ratifications**

a) *Rome Statute*: On 26 June and 21 July, respectively, the Czech Republic and Chile deposited instruments of ratification of the Rome Statute. The Statute entered into force for these States on 1 September and 1 October, bringing the total number of States Parties to 110.

b) *Agreement on the Privileges and Immunities of the International Criminal Court*: Since the last diplomatic briefing, the Dominican Republic and Spain have become parties to the Agreement, while Malawi deposited its instrument of accession on 7 October. On 7 November, the total number of parties will therefore be 62.

**Eighth session of the Assembly**

The eighth session of the Assembly will be held in The Hague from 18 to 26 November 2009. As regards practical issues, pre-registration will take place here at the Court, on Monday, 16 November, from 15:00 to 16:30 hours in the lobby of the Arc building, and at the World Forum Convention Center on Tuesday, 17 November from 11:00-20:00 hours. The Secretariat recalls that the requisite registration form must be conveyed before a badge can be issued and that obtaining a badge during the pre-registration period will avoid the need for waiting in line on the first day of the session.

The main issues before the Assembly would be the following:

*General debate*

At its thirteenth meeting, on 12 October 2009, the Bureau agreed that the general debate would be held on 19 and 20 November, and encouraged States to deliver statements of no more than five minutes. The Bureau also agreed to recommend to the Assembly the allocation of 45 minutes for the participation of observers and an additional 45 minutes for statements by NGOs at the end of the debate. The list of

speakers opened on 26 October 2009. If States have not yet inscribed themselves, please let the Secretariat know the date and preference for either the morning or afternoon segment, via an e-mail.

#### *Elections*

##### *a) Judges*

The nomination period for candidates to fill the two judicial vacancies was opened on 5 August and was extended three times, in accordance with resolution ICC-ASP/3/Res.6. The elections will be held on 18 November 2009. At the close of the nomination period, on 28 October 2009, the following States had presented candidates: Argentina, Chile, Colombia, Japan and Guyana.

##### *b) Board of Directors of the Trust Fund for Victims*

At the close of the nomination period, on 22 September 2009, the Secretariat had received five nominations, from Colombia, Finland, Kenya, Latvia and Mongolia, corresponding to the number of vacant seats. These elections will also be held on 18 November 2009.

Additional information on the candidates and on the election procedure is available on the website of the Court, under "Assembly".

#### *Permanent premises of the Court*

The Assembly is expected to have before it the decision of the Oversight Committee to award the contract for the permanent premises to the selected architect and would invite the Project Board to finalize negotiations with the selected design team. As regards the financing of the project, as at 15 October 2009, seven States Parties had opted for the one-time payment scheme, whose joint contributions would amount to approximately €13.5 million, while the other States would make use of the host State loan and thus pay their respective percentage of the cost over a 30 year period.

#### *Side-events*

The Secretariat is preparing a Journal, to be disseminated electronically at the beginning of next week, which will include the side-events scheduled during the eighth session.

#### **Review Conference**

By resolution ICC-ASP/7/Res.2, the Assembly decided to hold the Review Conference in Kampala, Uganda. As regards the duration of the Conference, on 7 April 2009 the Bureau confirmed its understanding that the Conference should start on 31 May 2010. The precise duration will be decided upon at the eighth session, in light of the scope of the Conference and the amendments to be considered.

On 7 August, the United Nations Secretary-General, in his capacity as depositary of the Rome Statute, pursuant to article 123, paragraph 1, of the Rome Statute, conveyed invitations to the Review Conference to all Heads of State.

By resolution ICC-ASP/7/Res.3, the Assembly decided that proposals for amendments to the Statute to be considered at the Review Conference should be discussed at its eighth session. In light of this, on 9 July 2009 the Bureau proposed 30 September as the deadline for the formal submission of proposals, so as to have a

smooth and transparent preparation for the Conference. The following States have submitted to the Secretary-General proposals for amendment of the Statute: Belgium, Mexico, Netherlands, Norway and Trinidad and Tobago. Liechtenstein, as former Chair of the Special Working Group on the Crime of Aggression, has also submitted the proposals on that crime.

The depositary notifications for all these proposals were issued on 29 October and they are available on the Court's website, under the section "Assembly of States Parties", where there is a page devoted to the Review Conference, including the invitations previously mentioned.

#### **The Hague Working Group**

The Hague Working Group, under the Coordinator, Ambassador Jorge Lomónaco (Mexico), Vice-President of the Assembly, has concluded its work on the issues of the establishment of an independent oversight mechanism, family visits for indigent detainees, legal aid for the defence, legal aid for victims' representation, the Secretariat of the Trust Fund for Victims, cooperation and the strategic planning process of the Court. The Working Group has submitted its reports to the Bureau, containing recommendations for the consideration of the Assembly. Deliberations on the budget for 2010, including on the Contingency Fund, are continuing.

#### **The New York Working Group**

The New York Working Group, under the Coordinator, Ambassador Zachary D. Muburi-Muita (Kenya), Vice-President of the Assembly, has concluded its consideration of the Plan of Action, the arrears of States Parties, geographical representation and gender balance in the recruitment of staff members and has submitted reports to the Bureau, also containing recommendations for the consideration of the Assembly. The results of the deliberations on the Review Conference, which encompassed the proposed amendments, stocktaking and article 124, as well as the preparations for the Conference, will be contained in the forthcoming report, scheduled for adoption by the end of this week.

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