

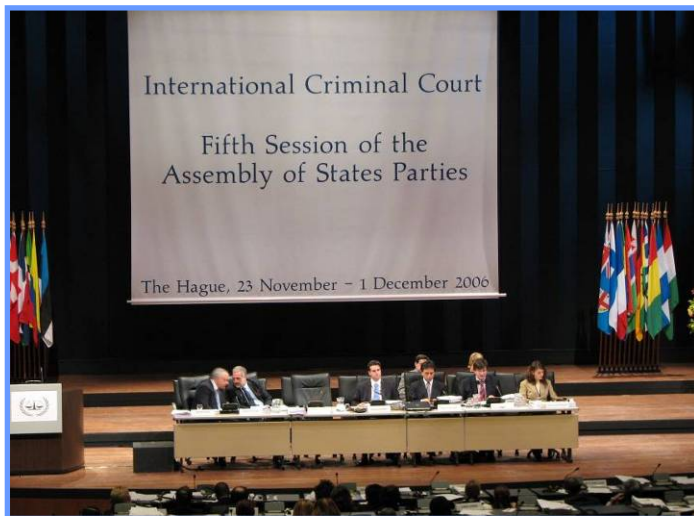


# BACKGROUND PAPER

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IN PREPARATION FOR THE SIXTH SESSION OF  
THE ICC ASSEMBLY OF STATES PARTIES

29 NOVEMBER - 14 DECEMBER 2007  
NEW YORK, USA



**WORK-IN-PROGRESS\***  
**2 NOVEMBER 2007**

\* This document will remain in development throughout the period running up to the 6<sup>th</sup> Session of the ASP, as Coalition Teams continue to receive information and documents that may affect the strategies on these issues. Comments and feedback are welcome from all CICC members.

This document represents the views of Coalition caucuses, teams and experts on each respective subject and should not be taken to represent the views of all Coalition members.

**COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT**

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## I. INTRODUCTION

1. The Coalition for the International Criminal Court (CICC) has prepared this Background Paper in preparation for the sixth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ASP). The Assembly will meet in New York, the United States, from 30 November - 14 December 2007. The Coalition expects around 200 NGO representatives to attend the sixth session of the ASP. Hundreds of government delegates and representatives of the International Criminal Court (ICC) and other international organizations are also expected to participate in the Assembly.
2. This Background Paper, a work-in-progress that will be continually updated and revised, is issued to assist the CICC's global membership of more than 2,000 non-governmental organizations (NGOs). The aim of this paper is to provide our members with basic information as well as observations on issues that will arise in the sixth session of the ASP.
3. The staff of the CICC International Secretariat coordinated the preparation of this document. The paper thus represents the views of Coalition issue teams, members, and staff on each respective subject area and should not be taken as a representation of the views of all Coalition members. The Coalition will conduct numerous general strategy meetings before and during the ASP, as well as organize meetings for its regional and sectoral caucuses; and issue teams. The Coalition will also organize meetings with governments and representatives of the ICC and other international organizations. We know that government and international organizations often study our issue papers.
4. The Coalition welcomes comments and criticisms of this paper from our members and all sectors.
5. The adoption of the Rome Statute, the achievement of 105 nations ratifying the treaty, the entry into force on 1 July 2002, and the establishment of a new world court since then, represents one of the greatest multilateral achievements since the founding of the United Nations (UN) after World War II. The Rome Statute and the ICC have been widely described as offering the promise of being the greatest advance in international law and international justice in the last century.
6. The Coalition has been a major partner of progressive like-minded governments in formulating this historic intergovernmental initiative. The ICC system represents a new kind of diplomacy and development of

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democratic global governance. The extraordinary cooperation, consultation, and communal ties between the different sectors that have characterized the ICC process have been fundamental to success and the Coalition is dedicated to continuing to serve this partnership.

7. This paper sets out basic information on the issues the ASP will address through plenary or working group sessions. It is hoped that this paper can help members to be more informed about the responsibilities of the ASP and the issues it addresses and to more fully engage in the dialogue and decision-making process on these issues.
8. During the meetings of the Rome Diplomatic Conference, the Preparatory Commission and the Assembly of States Parties, Coalition members have organized themselves into teams, one to follow each working group or issue. Teams provide a forum within which interested members discuss issues, follow developments in the working group, develop relevant research and positions in response, and implement advocacy strategies in relation to those positions. All Coalition members are welcome to join any team and all Coalition members are apprised of the work of the teams, through strategy meetings during the Assembly meetings and by e-mail. While the work of the teams reflects the positions of those Coalition members most active on particular issues, their work cannot be construed as a representation of the position of all Coalition members.

**A. THE ROLE OF THE ASSEMBLY OF STATES PARTIES VIS-À-VIS THE  
INTERNATIONAL CRIMINAL COURT**

9. The Assembly of States Parties serves as the governing body of the International Criminal Court.
10. The main functions of the ASP are to:
  - a) Consider and adopt, as appropriate, recommendations of the Preparatory Commission;
  - b) Provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court;
  - c) Consider the reports and activities of the Bureau of the ASP (to consist of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms) and take appropriate action;
  - d) Consider and decide the budget for the Court;
  - e) Decide whether to alter, in accordance with the Statute's provisions on the nomination, qualifications and election of judges, the number of judges;

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- f) Consider any question of the non-cooperation of States Parties with the Court; and
  - g) Perform any other function consistent with the Statute or the Rules of Procedure and Evidence.
11. Please note that the Assembly of States Parties cannot interfere with the judicial functions of the Court.
12. The Assembly convenes at least once a year, in either New York (at UN headquarters) or The Hague, to consider and adopt decisions on matters relating to the Court. All States Parties for whom the Rome Statute has entered into force, and are not two years or more in arrears of their contributions to the Court or have had their request for exemption on payment granted, have the right to participate and vote in sessions of the Assembly, while signatories may participate as non-voting observers. Other States can be, and normally are, also invited by the ASP to participate as non-voting observers.
13. The Assembly itself is commanded by a Bureau, consisting of a President, who presides alongside two Vice-Presidents and eighteen States Parties, elected by the Assembly to three-year terms. The Bureau has established two Working Groups to assist the Bureau with its inter-sessional work; one in The Hague and one in New York. The Secretariat of the Assembly of States Parties services the Assembly, including organizing ASP sessions.

**Relevant documents**

CICC website: <http://www.iccnw.org/?mod=asp6>

ICC website: <http://www.icc-cpi.int/asp.html>

## **B. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS VIS-À-VIS THE ASSEMBLY OF STATES PARTIES**

14. The Coalition for the International Criminal Court and its membership of more than two thousand non-governmental organizations play an important role vis-à-vis the Assembly of States Parties. Through dialogue and exchange with the Assembly of States Parties, NGOs seek to uphold the vision of the Court first conceived at the Rome Diplomatic Conference - that of an outward-looking institution, engaged in a transparent manner with key partners and intermediaries - and they seek to make certain that the Assembly is implementing that vision.
15. To this end, the NGO community is constantly engaged with the Assembly of States Parties. NGOs attend the official sessions of the Assembly in The Hague and in New York. Acting as observers, they receive official documents and circulate their own publications to country delegations. Furthermore, pursuant to Rule 93 of the Assembly of States Parties' Rules of Procedure, NGOs may deliver oral statements at Assembly meetings upon the invitation of the Assembly President and subject to the Assembly approval.
16. Outside of the official sessions, NGOs gather formally and informally with country delegations to discuss issues pertinent to the agenda of the Assembly. At these gatherings, NGOs provide expertise on these issues, sharing research papers, recommendations and proposals, as well as statistics with country delegations. Furthermore, through the use of press releases, press briefings, etc., NGOs inform the public of developments relating to the Assembly.

## **C. FORMAT OF DISCUSSIONS**

17. The Assembly of States Parties meets in plenary or in working groups.
18. Plenary sessions are open to all delegations and observers and are usually used to consider general matters (for instance reports from the ICC President or Prosecutor) and to adopt the decisions prepared by the working groups.
19. While the Working Groups of the Bureau are active in between ASP sessions, Working Groups of the ASP are established at the beginning of the session to deal with the main items on the agenda of the session. The Bureau decides which working groups should be established and appoints coordinators for each working group. Coordinators are in charge of leading the discussions

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and negotiations on this specific issue and of reporting to the ASP as a whole. Working groups can decide to meet in formal or informal sessions.

20. Formal sessions are open to all delegations and observers. Delegations share their position on the issue being discussed one after the other. NGOs can listen to delegations' statements and the CICC usually takes notes during the meetings and distributes those notes. Interpretation in the six official languages is provided during these meetings. Working groups may also decide to meet in informal sessions, usually when delegations cannot reach agreement on a specific question and want to discuss it further in a closed meeting, or where there is insufficient time to deal with the issue in a formal setting. Unfortunately, interpretation is not usually available in these sessions. In addition, NGOs, in general, are not allowed to attend these meetings.

## II. PROVISIONAL AGENDA - SIXTH SESSION

As of 8 October 2007, the provisional agenda for the 6<sup>th</sup> session of the ASP is the following:

### Provisional agenda

1. Opening of the session by the President.
2. Silent prayer or meditation.
3. Adoption of the agenda.
4. States in arrears.
5. Credentials of representatives of States at the sixth session.
6. Organization of work.
7. General debate.
8. Election of the President of the Assembly for the seventh to ninth sessions.
9. Election of the members of the Committee on Budget and Finance.
10. Election to fill judicial vacancies.
11. Report on the activities of the Bureau.
12. Report on the activities of the Court.
13. Consideration and adoption of the budget for the sixth financial year.
14. Consideration of the audit reports.
15. Report of the Board of Directors of the Trust Fund for Victims.
16. Report of the Special Working Group on the Crime of Aggression.
17. Premises of the Court.
18. Review Conference.
19. Decisions concerning dates of the next session of the Assembly of States Parties.
20. Decisions concerning dates and venue of the next session of the Committee on Budget and Finance.
21. Other matters.

The provisional agenda can also be consulted through the following link:

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-1\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-1_English.pdf)

The Rules of Procedure of the ASP can be found through the following link:

[http://www.icc-cpi.int/library/asp/ICC-ASP-Rules\\_of\\_Procedure\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-Rules_of_Procedure_English.pdf)

### III. JUDICIAL ELECTIONS

21. The 2007 judicial election will serve to replace three judges who have resigned prior to the end of their terms. Judge Maureen Harding Clark of Ireland resigned on 10 December 2006, effective immediately. Judge Karl T. Hudson-Phillips of Trinidad and Tobago submitted his resignation on the 14 March 2007, which took effect on 30 September 2007. Judge Claude Jorda of France submitted his resignation on 8 May 2007, which took effect on 12 August 2007.
22. By the end of the nomination period, six candidates were nominated: Mr. Daniel David Ntanda Nsereko of Uganda (List A), Ms. Jean Angela Permanand of Trinidad and Tobago (List A), Ms. Fumiko Saiga of Japan (List B), Mr. Bruno Cotte of France (List A), Ms. Graciela Dixon of Panama (List A) and Mr. Sunday Akinola Akintan of Nigeria (List A) (in the order they were nominated). The candidacy of Mr. Sunday Akinola Akintan of Nigeria was withdrawn at a later stage.
23. One judge elected will fill the remaining 1-2 years of Judge Jorda's term (2009) and be eligible for re-election for an additional 9-year term. Two judges elected will serve only the remaining 3-4 years of Judges Clark's and Hudson-Phillips' terms, both who were serving nine-year terms expiring in 2012. After the election, one of the judges elected shall be selected by lot to serve the remainder of Judge Claude Jorda's term.
24. The procedures for nominations of candidates, elections and filling judicial vacancies are outlined in Articles 36 and 37 of the Statute and Resolution ICC-ASP/3/Res.6. In addition, two *note verbales* from the ASP Secretariat were issued on 16 April and 1 June 2007 and a memo on the elections was issued on 2 October 2007.
25. The Rome Statute establishes different criteria for States Parties to consider when voting. Candidates can be nominated on list A (criminal law and criminal trial experience) or list B (expertise in the field of international law) depending on their qualifications. In addition, the Statute requires States Parties to take into account regional and gender representation as well as the representation of the principal legal systems of the world and the need for legal expertise on specific issues.
26. The Statute also provides that there must be at least nine judges from list A and at least 5 judges from list B. With the departures of three list A judges, the number of list A judges stands at 7, and 8 for list B. According to the election procedure, States will have to vote for two judges from list A (9

minus 7 = 2). This minimum voting requirement remains until it has been fulfilled. There will be no minimum voting requirements for list B judges since the minimum of five has already been reached.

27. In addition to legal expertise, the election procedure requires States Parties to vote for a minimum number of candidates from each regional group and gender. These minimum voting requirements facilitate the fulfillment of the Rome Statute requirements, as votes cannot be concentrated on one region or gender. However, these minimum voting requirements are met by the current bench and will therefore not apply to the judicial elections at the sixth session.
28. CICC letters were sent to all States Parties to encourage them to nominate or support the nomination of highly qualified candidates through a transparent process.

#### Key concerns

29. The Coalition's Elections Team follows and gives input to developments. Questionnaires on qualifications and expertise were submitted to all six judicial candidates. Interviews will be held prior to the ASP.
30. If you would like to know more about this issue, please contact Wasana Punyasena, Legal Officer, CICC Secretariat, email: [punyasena@iccnw.org](mailto:punyasena@iccnw.org) +1(646) 465-8521.

#### Relevant documents

Election of judges to fill three judicial vacancies of the International Criminal Court, ICC-ASP/6/15 & ICC-ASP/6/15/Add.1, 2 October 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-15\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-15_English.pdf); [http://www.icc-cpi.int/library/asp/ICC-ASP-6-15-Add1\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-15-Add1_English.pdf)

Judicial candidate responses to CICC questionnaires and interviews (CICC website),  
<http://www.iccnw.org/?mod=electionjudges2007>

Nomination and election of judges, Note verbale, ICC-ASP/6/S/10, 1 June 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-S-10\\_judges\\_election.ENGLISH.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-S-10_judges_election.ENGLISH.pdf)

Nomination and election of judges, Note verbale, ICC-ASP/6/S/9, 16 April 2007,

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[http://www.icc-cpi.int/library/asp/ICC-6-S-9\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-6-S-9_English.pdf)

Procedure for the nomination and election of judges of the International Criminal Court, ICC-ASP/3/Res.6, 10 September 2004,

[http://www.icc-cpi.int/library/asp/ICC-ASP-3-25-III\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-3-25-III_English.pdf)

## IV. ELECTIONS OF THE REGISTRAR

31. The five year term of the first and current Registrar of the ICC, Mr. Bruno Cathala expires on 3 July 2008. In order to fill this important post, the Court has performed an initial selection process, through the standard recruitment channels of the ICC. This selection process, led by the Presidency of the ICC, resulted in a short list of 10 candidates.
32. By a letter dated 5 October 2007, the ICC submitted to the President of the ICC the names and statements of qualifications of these 10 candidates. They are, in alphabetical order, the following:
- Ms. Silvana Arbia (Italy);
  - Mr. Richard Chetwynd (United Kingdom);
  - Ms. Annunziata Ciaravolo (Italy);
  - Mr. Adama Dieng (Senegal);
  - Mr. John Hocking (Australia);
  - Ms. Blanca Pastor Borgonon (Spain);
  - Ms. Kalyani Pillay (South Africa);
  - Mr. Klaus Rackwitz (Germany);
  - Mr. Rama Rao Sankurathripati (India); and
  - Mr. Markus Zimmer (Switzerland and the United States of America).
33. In the letter, the Presidency requested the ASP to make any recommendations, in accordance with article 43 of the Statute and rule 12 of the Rules of Procedure and Evidence. Article 43 provides that the judges shall elect the Registrar for a term of five years by an absolute majority by secret ballot, taking into account any recommendations by the Assembly of States Parties. The Registrar shall be a person of high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

### Relevant documents

Election of the Registrar of the International Criminal Court, Note by the Secretariat, ICC-ASP/6/16, 12 October 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-16\\_reissued\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-16_reissued_English.pdf)

CICC Website about the Office of the Registrar:  
<http://www.iccnw.org/?mod=registrar>

ICC Website on the functions of the Registrar:  
<http://www.icc-cpi.int/registry/regfuncs.html>

## V. TRUST FUND FOR VICTIMS

### Background

34. "The mandate of the Trust Fund for Victims is to provide assistance to victims of the crimes under the jurisdiction of the ICC and to their families, either by implementing reparations awards made by the Court's chambers or by supporting assistance projects through voluntary contributions."
35. The Trust Fund for Victims focuses its actions on:
- raising awareness of the international community about the plight of victims of war crimes, genocide and crimes against humanity
  - mobilizing resources and partners in reaching out to victims
  - helping victims rebuild their lives and those of their communities.
36. The work of the Trust Fund is guided by a Board of Directors, which benefits from the assistance of the Secretariat of the Trust Fund. Members of the Board are Madame Minister Simone Veil from France, Grace Archbishop Emeritus Desmond Tutu from South Africa, Mr. Tadeusz Mazowiecki from Poland, Mr. Arthur N. R. Robinson from Trinidad and Tobago and Mr Bulgaa Alterangerel from Mongolia.
37. While the Trust Fund was established in 2002 and its Secretariat was created in 2004, the Fund only became fully operational this year as of the appointment of the Executive Director of the Trust Fund Secretariat. Since the Secretariat became active in early 2007, the Trust Fund has made significant progress at various levels. It has developed a programmatic and financial framework that provides guidance to the Fund's overall work. Project guidelines and forms have also been drafted, networks have been created and consultations have been held on a broad scale. Also, importantly, the Secretariat has conducted field missions to DRC and Uganda in order to the assess victims' needs and consult with local partners. In addition, the Trust Fund is developing its own communications strategy.

### Key issues

- **Report of the Board of Directors on the activities and projects of the Trust Fund**
38. The Trust Fund's Board of Directors will make a presentation to States Parties on the first day of the ASP meeting. The report will summarize the

activities and projects conducted in 2007. During the last months, the Trust Fund has received over 40 project proposals from the different situation countries. It is expected that a number of projects providing assistance to victims will have started in the DRC and Uganda by the time of the ASP meeting. The Board will inform States Parties on the progress made.

- **Amendment of Rules 27 and 19 of the Regulations of the Trust Fund**

39. The Trust Fund proposes that States Parties amend rules 27 and 19 of the Trust Fund Regulations. (The regulations were adopted at the 4<sup>th</sup> session of the ASP in 2005)

40. Regulation 27 deals with earmarking of voluntary contributions. According to this regulation voluntary contributions from *governments* shall not be earmarked at all and voluntary contributions *from other sources* may be earmarked by the donor for up *to one third* of the contribution for a Trust Fund activity or project. The Trust Fund Secretariat suggests alternative language removing the strict cap for earmarking and introducing greater flexibility for earmarking with regards to funds raised on the initiative of members of the Board and/or the Executive Director.

41. Regulation 19 refers to consultations with the Registrar. The amendment proposal aims to facilitate the Secretariat's basic day-to-day decision-making process by giving the Trust Fund Secretariat greater independence from the Registrar and arranging for consultations only with the latter "where necessary".

42. During the ASP meeting, the consultations on the amendment proposals will be led by South Africa as facilitator.

- **Proposed Budget 2008: increased staff and travel resources**

43. In its budget proposal for 2008, the Trust Fund Secretariat has requested an increase in staff and travel resources. The requested new positions are necessary for the Secretariat to implement its envisaged programs and activities in the field. In particular, the position of Field Program Officer to be based in Kampala would be of strategic importance because it ensures technical support and oversight on projects in the field. Increased travel resources are also essential. They will allow the Trust Fund to conduct missions to the field in order to assess the needs of victims, to evaluate the feasibility of project proposals and to monitor the sustainability of its projects.

- **Call for contributions**

44. The Trust Fund has currently around 3 millions Euros. With the first projects starting, it is crucial that the Fund has the necessary means to accomplish its mission.
45. NGOs can assist the Trust Fund in its fundraising activities, where appropriate, and call upon States to make contributions to the Trust Fund. It is expected that a number of the States Parties will make pledges for contributions during the General Debate of the ASP.

#### Relevant documents/website

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2006 to 30 June 2007,

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-11\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-11_English.pdf)

TFV section on ICC website:

<http://www.icc-cpi.int/vtf.html>

Trust Fund for Victims financial statements for the period 1 January to 31 December 2006,

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-6\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-6_English.pdf)

## VI. THE CRIME OF AGGRESSION

### Background

46. As one of the crimes listed in Article 5 of the Rome Statute, the crime of aggression is already under the jurisdiction of the Court, but the Court cannot yet exercise jurisdiction over this crime because the Rome Diplomatic Conference did not reach an agreement on a definition and jurisdictional conditions. Instead, Resolution F of the Final Act requested that the subsequent Preparatory Commission prepare proposals to be presented to the ASP for consideration at the first Review Conference.
47. The Preparatory Commission concluded its work in 2002 in the form of a coordinator's discussion paper, merging various options, although not reflecting complete agreement.
48. At its first session in September 2002, the ASP established a Special Working Group on the Crime of Aggression to continue the work and to meet during ASP sessions or at any other time that the Assembly deems appropriate and feasible. The ASP Bureau appointed Ambassador Christian Wenaweser (Liechtenstein) to chair the Working Group. The Working Group is open to all States, both States Parties and non-States Parties.
49. During the fifth session of the ASP, the Assembly reiterated that the Working Group needs to conclude its work at the latest 12 months prior to the convening of the Review Conference in order to be in a position to submit proposals to the Assembly for its consideration at the Review Conference. From 2006 to 2008 the Special Working Group should be allocated at least 10 days of meetings in New York and hold inter-sessional meetings as appropriate.
50. The Working Group met for three days during the resumed fifth session of the ASP in New York. The Working Group will meet for at least three full days of meetings at the sixth session. A resumed sixth session of four days will be held in the first half of 2008 in New York.
51. During the last inter-sessional meeting in Princeton in June 2007, the Working Group continued to work towards developing the provision in time for adoption at the Rome Statute Review Conference. Discussions moved forward on 1) the crime of aggression: defining the individual's conduct; 2) conditions on the exercise of jurisdiction; 3) the act of aggression: defining

the conduct of the State; and 4) the future work of the Working Group. The inter-sessional report will be presented at the present ASP.

52. There was agreement in Princeton on the need to finalize the venue and date of the Review Conference at the sixth session of the ASP. There was also agreement that the SWGCA would need additional time if the Review Conference is held in the first half of 2010. The Chairman agreed that he would ask for time beyond the June 2008 session.

### Key Concerns

53. The CICC Team on Aggression follows this issue and will coordinate NGOs' contributions before and during the sixth session of the ASP.
54. If you would like to know more about this issue, please contact Wasana Punyasena, Legal Officer, CICC Secretariat, email: [punyasena@iccnw.org](mailto:punyasena@iccnw.org) +1(646) 465-8521.

### Relevant documents

CICC fact sheet, The ICC and the Crime of Aggression, 1 May 2007, [http://www.iccnw.org/documents/CICCFs\\_Crime\\_of\\_Aggression\\_Factsheet\\_FINAL\\_eng\\_1May07.pdf](http://www.iccnw.org/documents/CICCFs_Crime_of_Aggression_Factsheet_FINAL_eng_1May07.pdf)

Report of the Informal inter-sessional meeting of the Special Working Group on the Crime of Aggression, held at the Liechtenstein Institute on Self Determination, Woodrow Wilson School, Princeton University, United States, from 11 to 14 June 2007, ICC-ASP/6/SWGCA/INF.1, 25 July 2007, [http://www.icc-cpi.int/library/asp/ICC-ASP-6-SWGCA-INF.1\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-SWGCA-INF.1_English.pdf)

Discussion paper proposed by the Chairman, ICC-ASP/5/SWGCA/2, 16 January 2007, [http://www.icc-cpi.int/library/asp/ICC-ASP-5-SWGCA-2\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-SWGCA-2_English.pdf)

Report of the Special Working Group on the Crime of Aggression (2007 resumed session), ICC-ASP/5/35, [http://www.icc-cpi.int/library/asp/Report\\_SWGCA\\_English.pdf](http://www.icc-cpi.int/library/asp/Report_SWGCA_English.pdf)

Report of the Special Working Group on the Crime of Aggression, ICC-ASP/5/SWGCA/1, 29 November 2006, [http://www.icc-cpi.int/library/asp/ICC-ASP-5-SWGCA-1\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-SWGCA-1_English.pdf)

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution), ICC-ASP/5/Res.3,

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[http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

## VII. REVIEW CONFERENCE

55. The first Review Conference of the Rome Statute will take place in the first part of 2010. At this stage both substantive and procedural issues are of key concern. Following a decision made by the ASP at its 5th session, the discussions are centered on issues that ought to be dealt with leading up to the Review Conference, such as rules of procedure, financial issues, timing, venue and scope.
56. The Bureau Working Group in New York, under the facilitation of Mr. Sabelo Sivuyile Maqungo (South Africa), has been dealing with such issues and has considered that decisions on all these issues should be taken during the 6th session of the ASP and that a recommendation would be that the Review Conference be held in the first semester of 2010, with a duration of between 5 and 10 days.
57. Furthermore, discussions, meetings and seminars have been held outside of the Working Group structure allowing for exchanges on the subject between a range of different actors in a more flexible and informal setting.

### Key Issues

- **Focus and Scope**

58. Many suggestions have been raised as to the scope of the Review Conference. Whilst parties to the Rome Conference are only legally obliged to review Article 124 of the Rome Statute -an optional protocol which allows States to not subject their nationals to the jurisdiction of the Court for seven years with regards to war crimes- there is a huge expectation by States to deal with the Crime of Aggression. However, strong opinion has been expressed that the success of the Conference should not solely rely on amendments and that it should also be an opportunity for stocktaking, benchmarking and evaluating the work of the international justice system established by the Rome Statute.

- **Rules of Procedure**

59. The Draft Rules have been extensively discussed within the Working Group in New York and will have to be adopted by the Review Conference.

- **Venue of the Review Conference**

60. Many parties believe that the choice of location could have a significant impact on the scope, influence and results of the Review Conference. Final criteria or procedures for selecting the venue have yet to be decided although discussion of the venue will be a priority at the next ASP. Currently, only Uganda has made a formal offer to host the Review Conference. The ASP Secretariat has submitted a report to the Working Group estimating the approximate costs of holding the Review Conference in three different locations: The Hague, New York and a third State. Questions still exist however as to the establishment of funds that will ensure the participation of Less Developed Countries. It has also been suggested that further offers by States to host the Review Conference include budgetary implications.

#### Relevant documents

Review Conference: scenarios and options - Preliminary paper by Mr. Rolf Einar Fife, ICC-ASP/5/INF.2,

[http://www.icc-cpi.int/library/asp/ICC-ASP-5-INF2\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-INF2_English.pdf)

Strengthening the International Criminal Court and the Assembly of States Parties, ICC-ASP/5/Res.3, paragraph 47,

[http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

Report of the Bureau on the Review Conference, ICC-ASP/6/17,

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-17\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-17_English.pdf)

## VIII. COOPERATION

### Background

61. With the Court now in the judicial phase of its activities and having six outstanding public arrest warrants, the issue of cooperation has become much more pressing for the Court and States Parties.
62. At the fifth session, a new section was introduced in the *Omnibus* Resolution entitled "Cooperation and Implementation", welcoming the efforts undertaken by the Court to foster cooperation with States, international and regional organizations and civil society; encouraged States to implement the Rome Statute crimes under their national laws and to ensure effective enforcement of those laws; and called upon States to enter into arrangements with the Court concerning witness relocation and sentence enforcement.
63. Since the fifth session, both the Working Groups in The Hague and New York, under the facilitation of Ambassador Kirsten Biering (Denmark) and Ms Brechje Schwachofer (the Netherlands) respectively, started a consultation process with the aim of reporting back on the progress of their discussions at the sixth session.
64. The New York Working Group has dealt with ICC cooperation matters related to the United Nations and the Working Group in The Hague was mandated to deal with the overall aspects concerning cooperation. The Court prepared a general report as an initial approach to allow the Working Groups to start organizing their work.
65. Members of the CICC Cooperation Team addressed their main concerns on the different aspects of cooperation to the Working Groups in both The Hague and New York and held informal consultations at a meeting with States Parties in The Hague.

### Key Issues

66. The Bureau has adopted a comprehensive report including specific recommendations for the different clusters and sections as discussed by the Working Groups. This report shall be submitted to the ASP, which will then determine any appropriate follow up to the recommendations therein contained.

67. The report is divided up in three parts, the first part dealing with “States Parties and the Court” addressing: general legal mechanisms; diplomatic and public support, cooperation during analysis, investigations and prosecutions; arrest and surrender; witness protection and support; among other.
68. Part II of the report, “Cooperation in the United Nations Context”, divided its work under two main headings: cooperation between the ICC and the UN, and cooperation by States Parties in the UN context. Finally, a third part was dedicated to “International and Regional Organizations and the Court”.
69. In addition, the Working Groups have recommended the ASP to establish a follow-up mechanism in the form of a focal point for cooperation in the context of the Working Groups and to have another full review of the issue of cooperation within the next 2 - 3 years, depending on the needs of the Court.

#### Relevant Documents

Strengthening the International Criminal Court and the Assembly of States Parties, ICC-ASP/5/Res.3, paragraph 47,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

Report of the Bureau on Cooperation, ICC-ASP/6/21,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-21\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-21_English.pdf)

## IX. BUDGET AND FINANCE

### A. ADOPTION OF THE ICC BUDGET FOR 2008

#### Background

70. The ASP will consider the Proposed ICC Budget for 2008, as proposed by the Court. Together with the Proposed Budget, the discussions will also be based on the report from the Committee on Budget and Finance (CBF), a subsidiary mechanism to the ASP, which considered the Proposed 2008 Budget on 10 - 18 September 2007.
71. The starting point for the discussion on the Budget is found in the assumptions of the Prosecutor for 2008 (4 situations and 1 trial), based on which the three organs have estimated their needs and expectations for their work. If additional funds are required, the Court will use the €10 million contingency fund established by the Assembly in 2004, which has not yet been used. In terms of trials, the assumptions for 2008 are the same as in 2007, reflecting the fact that only one person had been surrendered to the Court at the time the budget was prepared.
72. . In addition to the three organs of the Court, the budget also covers the work of the Assembly and its Secretariat, the Secretariat of the Trust Fund for Victims and the work on the future permanent premises.
73. The Proposed budget for 2008 is €97.57million. This reflects an increase of €8.7 million (9.8%) over the approved budget for 2007 (€88.87 million). The budget for 2006 it was €80.41 million, and for 2005 it was €66.78 million. Approximately €5.26 million of the increase for 2007 has been attributed to 'in-built' factors such as increased staff costs, changes to the vacancy rate, reclassification of posts, interim premises and judges' pensions. Furthermore, €3.43 million represent new requirements, including €2.09 million for victims and witnesses, infrastructure in the field, security and legal aid.
74. The Budget is not only a financial document, but a document that affects the legal and practical possibilities and limitations for the Court.
75. The Coalition for the International Criminal Court's Budget and Finance Team was established at the sixth session of the Preparatory Commission in 2000 and its members have followed and contributed to the drafting of the

Financial Regulations, Financial Rules, the Remuneration of Judges, the budget for the First Financial Period and the Program Budgets for 2004, 2005, 2006 and 2007.

76. To this date, in 2007 the CICC Team on Budget and Finance (the Team) has produced two papers (see below under relevant documents). The first paper was drafted in response to the Proposed 2008 Budget. Also, the CICC Legal Representation and Budget and Finance Teams wrote a joint commentary on the Report of the Committee on Budget and Finance on the work of its latest Session in September 2007.

**Key issues: The Proposed Budget for 2007**

77. The Coalition's Budget and Finance Team issued a commentary on the proposed 2008 budget, which was submitted to the Committee on Budget and Finance before it met. In the report, the Team welcomed the implementation of changes to improve the budget document for 2008. However, it recognized that the document could be further improved, in particular it is important that succinct information is provided justifying the full budget request, including how new resources will further enhance the future work of the Court.

78. The Team also welcomed important investments in key areas, in particular in outreach, victims and witnesses' protection and support, legal aid, translations, and the Trust Fund for Victims. The Team requested that the Committee approve these resources.

**Key issues: Recommendations made by the CBF**

79. **Common staff costs / inflation:** In 2007 the CBF recommended that €1.49 for inflation on staff costs be accommodated within the existing levels for staff costs given the high level of under spending. For 2008, these costs are described as 'common system costs' and amount to €2.74 million. The CBF agreed that, since the Court is part of the common UN system, the Court's calculations were justified.

80. **Recruitment delays and vacancy rates:** The CBF noted that the capacity of Court to recruit staff is not sufficient to reach the projected level of 555 posts by end of 2007. The CBF was very critical of the delays in recruitment and recommended the Court to take urgent and strong action. The CBF recommended that the vacancy rates for existing un-recruited posts should be increased from 10% to 20%.

81. **Contingency fund:** The CBF expressed its support for the contingency fund as a mechanism to ensure the Court is able to meet unexpected needs and avoid seeking assumptions that may not materialize and welcomed the Court's proposal to use the contingency fund in the event of additional arrests, provided that the Court first sought to maximize use of its existing capacities.
82. **Court Interpretation and Translation Section:** The CBF suggested changes in how the translations costs are managed and recommended that the increase in GTA by €59,300 not be approved. The CBF suggested efforts to discipline the translations requested by other areas of the Court and to explore outsourcing options for 2009.
83. **Public Information and Documentation Section:** The CBF appreciated the efforts in developing tools for evaluating the results of outreach activities and improving the quality of the performance indicators. The CBF recognized the difficulty of evaluating outreach activities and encouraged the Court to continue its work. The CBF indicated that it will turn to this issue in the future, including when the Strategic Plan for Outreach is next updated.
84. **Division of Victims and Counsel:** The CBF was concerned about whether the Court applies firm and reasonable limits to the provision of resources for defence. The CBF believed that legal aid continued to represent an area with considerable financial and reputational risks for the Court and emphasized the need to rigorously examine claims of indigence and to utilize its resources to search for assets. Finally, the CBF considered the under spending in 2007 of the Division of Victims and Counsel and recommended not to approve the increase in for legal aid (of €321,500) and the GTA P-4 Counsel for the OPCD.

### Key Concerns

85. As done before, the CICC Team on Budget and Finance has provided input in those areas in which it has expertise. Accordingly, the Team has focused its concerns specifically on the recommendations of the CBF regarding the Division of Victims and Counsel (see also Legal Representation Section).
86. In this regard, the CBF in its eighth session endorsed the Court's proposal for amending the legal aid scheme as it proposed a sound structure. The Court hence requested an increase to its budget in order to be able to implement the proposed amended scheme. The amended scheme is an important basis for the provision of legal aid to the Defence teams and the legal representatives of victims, a real priority for the Court given that the first trial will commence in 2008. However, it has been noted with concern

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that the recommendation of the CBF not to approve the increase requested by the Court could undermine the Court's ability to implement the legal aid scheme as initially approved by the CBF. Furthermore, the CBF recommended against the approval of a GTA P-4 counsel position for the OPCD.

87. If you would like to know more about this issue, please contact Osvaldo Zavala-Giler, Associate Legal Officer, CICC Secretariat, email: [zavala@iccnw.org](mailto:zavala@iccnw.org) +31 (0) 70 3111087.

### Relevant documents

Proposed Program Budget for 2008 of the International Criminal Court, ICC-ASP/6/8, 25 July 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-8\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-8_English.pdf)

Proposed Program Budget for 2008 of the International Criminal Court - Corrigendum ICC-ASP/6/8/Corr.1,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-8-Corr.1\\_English\\_Reissued.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-8-Corr.1_English_Reissued.pdf)

Report on the budget performance of the International Criminal Court as at 31 July 2007 ICC-ASP/6/10,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-10\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-10_English.pdf)

Report of the Committee on Budget and Finance on the work of its eighth session, ICC-ASP/6/2 29 May 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-2\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-2_English.pdf)

Financial Regulations and Rules, ICC-ASP/1/3, 9 September 2002,  
[http://www.iccnw.org/documents/FinancialRulesRegulations\\_English.pdf](http://www.iccnw.org/documents/FinancialRulesRegulations_English.pdf)

Report of the Committee on Budget and Finance on the work of its ninth session, ICC-ASP/6/12, 28 September 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-12\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-12_English.pdf)

Report of the Committee on Budget and Finance on the work of its ninth session Addendum 1, ICC-ASP/6/12.Add.1, 4 October 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-12-Add1\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-12-Add1_English.pdf)

CICC Submission to the ninth Session of the Committee on Budget and Finance, 7 September 2007,  
[http://www.iccnw.org/documents/CICC\\_Submission9thSessionofCBF\\_eng.pdf](http://www.iccnw.org/documents/CICC_Submission9thSessionofCBF_eng.pdf)

## B. NON-PAYMENT OF CONTRIBUTIONS

### Background

88. The budget of the Court is financed by way of contributions of States Parties, according to the scale of assessment of the United Nations. Since not all UN Member States are States Parties to the Rome Statute, the scale for contributions to the ICC is adjusted accordingly.
89. Article 112(8) of the Rome Statute provides that a State Party that fails to pay its financial contribution at or beyond the level of its total owed contribution for the last two years shall have no vote in the Assembly and in the Bureau. However, it further states that the Assembly may permit the vote if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.

### Issues

90. As of 1 August 2007, the total amount of outstanding contributions for 2007 amounted to € 18.4 million or 20.7 percent of the budget. In addition, 7 States Parties had not yet made payments for the preceding two full years, equating to a 6.7 percent membership cut from voting.
91. The CBF noted in its ninth session report that as of 17 September 2007, a total of € 73.7 million had been received for the 2007 financial period while € 4.9 million was outstanding from previous financial periods, with €15.2 million outstanding for the 2007 financial period. The Committee noted that this represented 82.9 percent of contributions due.
92. According to the Registry, the current outstanding contributions have not caused any constraints to the work of the Court because of the past under spending, but that this situation might change in the coming years.
93. In addition, Resolution ICC-ASP/5/Res.3 adopted at the fifth session of the ASP endorsed 9 recommendations which address two main issues: 1) reporting back to the sixth session on the status of arrears, including on suggestions (if necessary) of measures to promote the timely and full payment of assessed contributions and 2) adopting guidelines for submission of documentation with reference to requests for exemption.
94. In March 2007, the Bureau approved the appointment of facilitator Marko Rakovec (Slovenia) to a subsequent year. Between May and August 2007, he

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held numerous informal consultations and meetings with States Parties in the New York Working Group.

95. On 23 July 2007, the ASP Secretariat communicated with States in arrears, informing them of their outstanding contributions and advising them of the minimum payment required to avoid the application of article 112, paragraph 8. The Secretariat advised the Committee that seven States were ineligible to vote as of 18 September 2007: Bolivia, Congo, the Democratic Republic of the Congo, Guinea, Liberia, Malawi and Niger. A diplomatic note requesting an exemption had been received from the Democratic Republic of the Congo (DRC) but without additional supporting documentation.
96. The CBF recommended that the request of the DRC should be approved but should not constitute a precedent for future requests not accompanied by adequate supporting documentation. The Committee also urged the other States with outstanding contributions take the necessary steps to pay their contributions prior to the sixth session of the Assembly.
97. The CBF requested the ASP Secretariat to again advise States in arrears of the minimum payment required before the sixth session of the Assembly. It recommended that countries which request exemptions should also indicate the likely timeline for payment and submit multi-year payment plans for the full amount of arrears where appropriate.
98. A further 11 States would become ineligible to vote on 1 January 2008 should they not make additional payments.
99. The facilitator's report recommends that States Parties implement the nine recommendations adopted at the fifth session without delay. Often reasons for non-payment were of technical nature or due to improper budgetary planning. The report also recommends that States Parties, where the amount of outstanding contributions exceeds the amount of the contributions due for the preceding year, address a letter to the Registry indicating when they plan to pay their past payments, not affecting Article 112(8).

### Key Concerns

100. The CICC Team on Budget and Finance has consistently raised concerns about the status of non-payment of assessed contributions by states parties and reiterates its call for all states parties to pay overdue contributions without delay and to address the causes of non-payment to prevent future delays. The Team has followed the work of the Bureau's New York Working Group on the issue.

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101. If you would like to know more about this issue, please contact Wasana Punyasena, Legal Officer, CICC Secretariat, email: [punyasena@iccnw.org](mailto:punyasena@iccnw.org) +1(646) 465-8521.

**Relevant documents**

Report of the Bureau on the arrears of States Parties, ICC-ASP/6/19, 23 October 2007,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-19\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-19_English.pdf)

Report of the Bureau on the arrears of States Parties, ICC-ASP/5/27, 17 November 2006, [http://www.icc-cpi.int/library/asp/ICC-ASP-5-27\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-27_English.pdf)

Report of the Bureau on the arrears of States Parties, ICC-ASP/4/14, 29 August 2005, [http://www.icc-cpi.int/library/asp/ICC-ASP-4-14\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-4-14_English.pdf)

Report of the Committee on Budget and Finance on the work of its 9th session, ICC-ASP/6/12, [http://www.icc-cpi.int/library/asp/ICC-ASP-6-12\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-12_English.pdf)

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution), ICC-ASP/5/Res.3,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

## X. LEGAL ASSISTANCE

### Background

#### The Court's legal aid system

102. **Legal aid for the defence:** The Rome Statute system establishes that an accused person has the right to have legal assistance without payment if he/she does not have sufficient means to pay for the legal assistance. If a person applies for legal assistance to be paid by the Court, the Registrar shall determine the applicant's means and whether he/she shall be provided with full or partial payment of legal assistance.
103. Legal assistance paid by the Court shall cover all costs necessary for an effective defence, including the remuneration of counsel, counsel assistant and staff, expenditure in relation to the gathering of evidence, administrative costs, translation and interpretation costs, travel costs and daily subsistence allowances. (Regulation 83 of the Court)
104. **Legal aid for the representation of victims:** Indigent victims also have the right to legal aid. The scope of legal assistance paid by the Court regarding victims is determined by the Registrar in consultation with the Chamber, where appropriate (Regulation 83 of the Court).

#### Revision of the Court's current legal aid system in 2007

105. Upon request of the Committee of Budget and Finance (CBF) at its 7<sup>th</sup> session in October 2006, the Court reviewed the operation of the legal aid system. The existing scheme was evaluated and consultations were held with various associations and counsel in February and March 2007. After this evaluation process, taking into account experience from the judicial activities so far, the Court submitted a report to the CBF in April 2007 suggesting to amend the current system for, i.e. the composition of legal team, budget for investigations, remuneration and compensation levels for the members of the counsel teams ("Report on the operation of the Court's legal aid system and proposals for its amendments").
106. The CBF examined the Court's report at its 8<sup>th</sup> session in April 2007 and welcomed the "thoroughness of the report and felt that it proposed a sound structure for the legal aid system". The CBF also stated "there was general agreement in the Committee to recommend the adoption of the proposed amendments to the legal aid system".

## Key Issues

- **CBF recommendation not to approve increase of legal aid budget**

107. In order to implement the revised legal aid system which the CBF had endorsed in April 2007, the Court requested a 17 % increase of the legal aid resources in its budget proposal for 2008.

The increase was mainly due to updated remuneration levels for members of legal teams and the addition of a budget for investigations, as well as to the assumption that the trial will last 12 months, including the provision for an expanded core team for the reparations phase (3 months).

However, the CBF in its last session in September 2007, recommended not to approve the increase in the legal aid budget. The reason given by the CBF was substantial under spend in the Division of Victims and Counsel (the work of this division includes the administration of the legal aid funds).

108. NGOs are concerned that if States follow the recommendation of the CBF, the Court will not be able to implement its revised legal aid scheme as endorsed by the CBF. With the Lubanga trial starting beginning of next year and a second person been arrested recently, the legal aid system needs to be fully operational in 2008.

- **CBF recommendation not to approve additional OPCD Counsel**

109. Furthermore, the CBF in its last session recommended to the ASP not to approve the GTA-P4 Counsel requested for the Office of the Public Counsel for the Defence (OPCD).

110. The OPCD is tasked with

- representing and protecting the rights of the defence during the initial stages of an investigation
- providing support and assistance to defence counsel and to persons entitled to legal assistance, either by conducting legal research or providing legal advice, or by appearing before a Chamber in respect of specific issues
- appointing counsel from the OPCD if a Chamber decides it is in the interests of justice to do so

- **Perception that legal aid is an area of considerable reputational and financial risk**

111. At several occasions the CBF expressed its concerns with respect to legal aid:

- Report on its 4<sup>th</sup> session in April 2005 (Para.49):

**“The Committee emphasized that the delivery of legal aid was an area of considerable risk for the Court. Experience in the ad hoc tribunals had shown that administration of legal aid without rigorous controls could result in unreasonably high costs and abuses by some defence counsel and defendants”**

- Report on its 8<sup>th</sup> session in April 2007 (Para.82):  
**“Given the risks to the Court’s reputation in the delivery of legal aid and the significant financial implications, the Committee emphasized the importance of ensuring that defendants’ rights to a fair trial were maintained, while upholding the integrity of the system of legal aid administered by the Registrar and ensuring oversight of the costs of legal aid by the Committee and the ASP”**
- Report on its 9<sup>th</sup> session in September 2007 (Para.72):  
**“The Committee believed that legal aid continued to represent an area in which there were considerable financial and reputational risks for the Court.”**

112. It can be questioned to what extent the concerns of the CBF are justified and need to be emphasized continuously: so far, the Registry handled the management of the legal aid resources carefully. Also, in the revision of the legal aid system earlier this year the Court had a cautious approach which even the CBF acknowledged.

### Relevant Documents

Report on the operation of the Court’s legal aid system and proposals for its amendment,

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-4\\_English..pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-4_English..pdf)

Report on the principles and criteria for the determination of indigence for the purposes of legal aid (pursuant to paragraph 116 of the Report of the Committee on Budget and Finance of 13 August 2004),

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-INF.1\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-INF.1_English.pdf)

Report of the Committee on Budget and Finance on the work of its eighth session,

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-2\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-2_English.pdf)

Report of the Committee on Budget and Finance on the work of its ninth session,

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-12\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-12_English.pdf)

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-12-Add1\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-12-Add1_English.pdf)

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Proposed Program Budget for 2008,  
[http://www.icc-cpi.int/library/asp/ICC-ASP-6-8\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-8_English.pdf)

CICC Team Paper April and September 2007 sessions  
(Link to iccnw\_webpage)

## XI. STRATEGIC PLAN

### Background

113. Last year, upon request of the Committee of Budget and Finance, the Court developed a Strategic Plan setting out the overarching objectives and priorities of the Court's work. The Plan provides for a ten-year framework, with particular emphasis on the next three years. The Plan identified as the three main goals for the Court: quality of justice, being a well-recognized and adequately supported institution as well as becoming a model of public administration. To achieve these goals, the Plan elaborated on 30 objectives.
114. At the last ASP meeting in November 2006, States Parties adopted a resolution on the "Strategic Planning Process of the Court". In this resolution, States welcomed the efforts made by the Court and invited it to continue with the dialogue already initiated. In addition, States recommended that such a dialogue should focus on concrete implementation and should include issues such as: location of Court activities, position of victims, outreach and communication activities and the relationship between the Strategic Plan and the budget. In the resolution, States also invited the Court to submit an update to the next session of the ASP. Since the last meeting of the ASP, the Court's has been updating the states on the progress through the Bureau's Working Group in The Hague.
115. Facilitator for the Working Group on the Strategic Planning Process is Ms. Dubrocard from France.

### Issues

116. The Court, coordinated by the Registry, is in the process of developing a "Victims Strategy" and is also working on a "Defence Strategy". For the Victims' Strategy, the Court has identified 6 main areas for elaboration: 1) Outreach and information; 2) Protection; 3) Assistance to the victims; 4) Participation; 5) Reparation; and 6) Legal representation. It is expected that the Court is going to present a progress report on the victims' strategy to the ASP in December.

### Relevant Documents

Strategic Plan of the International Criminal Court,

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[http://www.icc-cpi.int/library/asp/ICC-ASP-5-6\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-6_English.pdf)

Resolution on the Strategic planning process of the Court,

[http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

## XII. OUTREACH

### Background

117. Outreach is one specific facet of the external communications of the ICC. Outreach is a process of establishing sustainable, two-way communication between the Court and communities affected by the situations that are subject to investigations or proceedings. Outreach aims at promoting understanding and support for the Court's mandate, managing expectations and enabling communities to follow and understand the international criminal justice process. Outreach means not only sensitizing or simply providing information but engaging people in a two-way dialogue.
118. At the last ASP meeting in November 2006, outreach was an important issue for both States Parties and NGOs. During the General Debate, many States highlighted the importance of outreach. Also, significantly, States decided not to follow overturn the recommendation of the Committee of Budget and Finance to reduce the requested outreach resources by half and instead provided the Court with all the resources it had asked for in respect of outreach. In the Omnibus Resolution, States Parties encouraged the Court to, yet again, "intensify" its outreach activities, including through the implementation of the Strategic Plan for Outreach.

### Key Issues

- **Implementation of the Outreach Strategy**

119. Last year, the Court was still designing its first Strategic Plan for Outreach and conceptualising its outreach and communications policies. This year the Court could focus more on implementing its strategy: In 2007, the Court made important progress in conducting outreach, particularly in Uganda and the Democratic Republic of Congo. Acknowledging the importance of reaching out directly to the affected communities, the Court's Public Information and Documentation Section (PIDS) has been developing and implementing outreach campaigns in consultation with local partners. Between January and September 2007, the Court has conducted 47 outreach activities in DRC and 28 outreach activities in Uganda, including mass outreach campaigns in different IDP camps. Despite this important progress, it is felt that more has to be done in the DRC situation to address specific questions and rumors circulating around the ICC investigations. In the Uganda situation local partners stressed that

the Court should make more use of radio communications and be more present in the peace and justice debate.

Outreach activities in relation to the Darfur situation, were conducted only sporadically, mainly outside of Sudan. In the newly opened investigation of the Central African Republic no outreach activity at all has taken place so far. In order to avoid an increasing information gap, outreach activities will have to start as soon as possible.

120. The Court will present a report on the activities conducted in 2007. The Court also indicated its intention to support its report by a video presentation providing an insight into the outreach activities in the different situations pending before the Court.

- **Evaluation of outreach activities and performance indicators**

121. In order to assess the appropriateness and efficiency of outreach strategies and activities, it is crucial to find ways to measure the impact of outreach. Last year, States Parties encouraged the Court to develop tools for evaluating the results of outreach activities and for improving the quality of performance indicators. This year, the Court started evaluating its activities. The Court has been holding consultations with various stakeholders to refine its performance indicators for the evaluation of outreach activities and the impact in situation countries.

122. At the ASP, the Court will present how progress was made in this area.

- **New staff resources for the Darfur and CAR situations**

123. It is important that the two field positions of P2 Outreach Coordinators for the Darfur and the CAR situation are allocated by the ASP this year as requested by the Court in its 2008 budget proposal. At its ninth session, the Committee on Budget and Finance did not make any recommendation to cut these two positions. So far the position Outreach Coordinator only exists for the DRC and the Uganda situation but not for the Darfur and CAR situation. As demonstrated in DRC and Uganda, the positions are crucial for the effective conception, planning and implementation of outreach activities in the field.

124. NGOs will therefore support the requested outreach resources.

### **Relevant Documents**

Strategic Plan for Outreach of the International Criminal Court:  
[http://www.icc-cpi.int/library/asp/ICC-ASP-5-12\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-12_English.pdf)

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Calendar of Outreach activities

DRC:

[http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-04-001-070330\\_En.pdf](http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-04-001-070330_En.pdf)

[http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-04-001-070630\\_En.pdf](http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-04-001-070630_En.pdf)

[http://www.icc-cpi.int/library/press/pressreleases/ICC-PIDS-WB-OR-04-001-070930\\_En.pdf](http://www.icc-cpi.int/library/press/pressreleases/ICC-PIDS-WB-OR-04-001-070930_En.pdf)

Uganda:

[http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-05-07\\_070402\\_En.pdf](http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-05-07_070402_En.pdf)

[http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-05-07\\_070630\\_En.pdf](http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-05-07_070630_En.pdf)

[http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-05-07\\_071031\\_En.pdf](http://www.icc-cpi.int/library/cases/ICC-PIDS-WB-OR-05-07_071031_En.pdf)

### XIII. RECRUITMENT

#### Background

125. The recruitment of permanent professional staff at the ICC is subject to a policy of “equitable geographical representation”, requiring the organization to recruit a certain percentage of its staff from each member state. This percentage is calculated on the basis of a number of factors, mirroring the UN system. As a result, States Parties that pay higher contributions have an advantage in terms of the number of nationals that can work for the organization. Triggered by research produced by the Coalition, equitable geographical representation and gender balance of ICC staff was addressed in the *Omnibus* Resolution adopted at the ASP session in 2006, inviting the ASP Bureau to present a detailed report on equitable geographical representation and gender balance to the sixth session, including, if necessary, any proposals to further the recruitment process (paragraph 22).
126. The ASP Bureau assigned this task to the Hague Working Group, which appointed Ambassador Blaak (Uganda) as facilitator. Since the fifth session, the Coalition has continued to present research introducing ways of improving geographical representation at the ICC. The CICC Secretariat and the Women’s Initiatives also delivered presentations on geographical representation and gender balance to The Hague Working Group.
127. The report produced by The Hague Working Group, adopted by the Bureau, makes the following recommendations regarding geographical representation: that the Court should continue to adhere to the principle of recruiting the best-qualified candidates; that the Assembly considers establishing a limit on the recruitment of non-States Parties’ nationals; and that the Court should endeavor to ensure that nationals from States Parties have adequate representation on the staff of the Court. The report also invites the Court to continue to identify ways to improve equitable geographical representation within the existing United Nations model.
128. Regarding gender balance, the Working Group recommended the following: that the Court continue to implement its Strategic Plan (recruitment, career development and caring environment) with specific emphasis on the first three years so as to close the gender gap; that the Court give particular consideration to the fact that women are under-represented at the higher levels of Court’s staff; that the Court and States Parties give further consideration to intensifying its efforts to address

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imbalances in the ratio between male and female applications from certain under-represented regions; and that the Court continues the practice of conducting exit interviews with departing staff, with particular emphasis on whether their reasons for leaving refer to grounds related to gender.

### Relevant Documents

Resolution ICC-ASP/5/Res.3 “Strengthening the International Criminal Court and the Assembly of States Parties”, in: ICC-ASP/5/32 Part III, Resolutions adopted by the Assembly of States Parties:

[www.icc-cpi.int/library/asp/PartIII\\_Resolutions\\_ADVANCE\\_COPY\\_English.pdf](http://www.icc-cpi.int/library/asp/PartIII_Resolutions_ADVANCE_COPY_English.pdf)

ICC-ASP Resolution on Selection of the staff of the ICC: ICC-ASP/1/Res.10:

[www.un.org/law/icc/asp/1stsession/report/english/part\\_iv\\_res\\_10\\_e.pdf](http://www.un.org/law/icc/asp/1stsession/report/english/part_iv_res_10_e.pdf)

Report of the UN Secretary General on Human Resources at the UN Secretariat:

[www.un.org/documents/ga/docs/56/a56512.pdf](http://www.un.org/documents/ga/docs/56/a56512.pdf)

For statistics on gender and geographical representation at the Court, see:

[http://www.iccwomen.org/publications/resources/docs/Gender\\_Report\\_Card\\_2006.pdf](http://www.iccwomen.org/publications/resources/docs/Gender_Report_Card_2006.pdf)

Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the International Criminal Court, ICC-ASP/6/22:

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-22\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-22_English.pdf)

Internal CICC draft policy paper on geographical representation; upon request:

[nilsson@iccnw.org](mailto:nilsson@iccnw.org)

## XIV. PREMISES

### Background

129. The ICC is currently located in interim premises that the Host State, the Netherlands, provides free of charge until 2012. These interim premises have not previously been used for judicial purposes, so adjustments and improvements have been made in order that they meet the requirements of an international court. The interim premises have reached their maximum capacity and additional office space has been sought in the Hoftoren, a high-riser building in the centre of The Hague. As of 2008, the Court will also move into half of the Haagsche Veste, a building, which construction is still to be finished, located around the corner from the Court's main building the ARC.
130. Meanwhile, steps are being taken toward the establishment of permanent premises of the Court. At its last session, the ASP chose to focus on the option of building purpose-built premises on the army barracks site of the Alexanderkazerne, a former military building in the outskirts of The Hague, without this decision being definite.
131. In April 2007, at the request of the ASP, the Registry prepared a functional brief which was submitted to the Committee on Budget and Finance (CBF) for its consideration. This document spells out all the functions that the Court will need for its future premises and the user and security requirements reflecting scalability in staffing levels.
132. A series of meetings with architectural/building experts were held in The Hague, who, through the analysis of the functional brief, reached consensus on the area requirements and on a preliminary estimate of 165 million euros for the constructions costs. The CBF recommended that the ASP should proceed with the architectural competition on the basis suggested by the experts, and took into account the importance of flexibility and scalability.
133. Similarly, the facilitator on premises of The Hague Working Group, Mr. Masud Husain (Canada), and the experts proposed a governance structure that recognizes the role of the Court in identifying operational requirements and assuring the viability of specific proposals, as well as the effective oversight by the ASP. This structure foresees the establishment of an Oversight Committee to give overall directions throughout the project, and

a Project Office, led by a Project Director, in charge of the everyday management of the project

134. Finally, the CBF considered additional information given by the Host State on the financing of the project and the bid. However, the issue of financing will not be raised at this session of the ASP; discussions on this issue will be resumed in 2008.

### Relevant Documents

Resolution "Permanent Premises", In: ICC-ASP/5/32 Part III:

[http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

Report on the future permanent premises of the International Criminal Court - Comprehensive progress report:

[www.icc-cpi.int/library/asp/ICC-ASP-5-16\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-16_English.pdf)

Report on the governance arrangements for the permanent premises of the International Criminal Court:

[www.icc-cpi.int/library/asp/ICC-ASP-5-17\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-17_English.pdf)

Report of 8<sup>th</sup> Session of the Committee on Budget and Finance:

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-2\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-2_English.pdf)

Proposed program budget for 2008 of the ICC (section on premises):

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-8\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-8_English.pdf)

Report of the 9<sup>th</sup> Session of the Committee on Budget and Finance:

[http://www.icc-cpi.int/library/asp/ICC-ASP-6-12\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-12_English.pdf)

Documents produced by the CICC Secretariat: Compilation of Documents on Premises upon request: [zavala@iccnw.org](mailto:zavala@iccnw.org)

## XV. UNIVERSALITY OF THE ROME STATUTE

### Background

135. At its fourth session, the ASP requested the Bureau to consider measures that could be taken by the Assembly, the Secretariat of the Assembly of States Parties or the States Parties to help increase the number of ratifications and to facilitate full implementation of the Rome Statute.
136. At its fifth session, the ASP decided to “adopt and implement the plan of action for achieving universality and full implementation of the Rome Statute.” The ASP also requested the Bureau to review implementation of the plan of action and progress towards its objectives and to report to the Assembly for the sixth session.
137. The Bureau appointed Alejandro Alday González as facilitator for the New York Bureau Working Group. The facilitator held informal consultations between the months of March and July 2007 with States Parties, the ASP Secretariat and NGOs and submitted a report to the Bureau providing recommendations to implement the plan provided.
138. The report noted that though the plan is ambitious, it provides a framework to strengthen States Parties efforts and complement those developed by other actors for achieving universality and full implementation of the Rome Statute. Consolidating the basic structure for the implementation of the plan requires engagement by States Parties, the support of the ASP Secretariat, as well as close review by the Assembly on the plan’s implementation.

### Key Concerns

139. Overall, CICC members support the recommendations in the facilitator’s report and particularly welcome the initiative of the ASP to collect information on ratification and implementation efforts by States Parties. The report should call on all States Parties to respond to the ASP Secretariat as soon as possible with such information.
140. CICC members also feel that establishing a clear and simple process whereby States Parties can report to the ASP on their activities is vital. A process should be created to issue an ASP report or hold a forum, where those States Parties active on these efforts can showcase their work and thereby encourage other states to get involved.

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141. If you would like to know more about this issue, please contact Wasana Punyasena, Legal Officer, CICC Secretariat, email: [punyasena@iccnw.org](mailto:punyasena@iccnw.org) +1(646) 465-8521.

#### Relevant Documents

Report of the New York Working Group on the Issue of the Plan of Action for achieving universality and full implementation of the Rome Statute of the International Criminal Court, ICC-ASP/6/23, [http://www.icc-cpi.int/library/asp/ICC-ASP-6-23\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-6-23_English.pdf)

Report of the Bureau on ratification and implementation of the Rome Statute and on participation in the Assembly of States Parties, ICC-ASP/5/26, 17 November 2007, [http://www.icc-cpi.int/library/asp/ICC-ASP-5-26\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-26_English.pdf)

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution), ICC-ASP/5/Res.3, [http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

## XVI. OVERSIGHT MECHANISM

### Background

142. While the Court currently has external financial oversight mechanisms and internal structures to deal with misconduct by staff, no independent, investigative capabilities exist.
143. Under Article 112(4) of the Rome Statute, the Assembly “may establish such subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy.”
144. At the fifth session, the ASP took “*note* of the interim report by the Court and *invites* the Court, in consultation with the Bureau, to submit concrete proposals for the establishment of an independent oversight mechanism to the next regular session of the Assembly of States Parties.” The Court is awaiting developments at the United Nations this year which may influence the development of its own mechanism.

### Key Concerns

145. Currently, there is no New York Bureau Working Group facilitator on oversight after Ambassador Prince Zeid Ra’ad Zeid Al-Husseini (Jordan) stepped down. Due to this, it is unlikely that much attention will be raised to the issue.
146. The Coalition’s Team on ASP Structures and Functions follows and gives input to developments.
147. If you would like to know more about this issue, please contact Wasana Punyasena, Legal Officer, CICC Secretariat, email: [punyasena@iccnw.org](mailto:punyasena@iccnw.org) +1(646) 465-8521.

### Relevant Documents

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution), ICC-ASP/5/Res.3, [http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

## XVII. OMNIBUS RESOLUTION

### Background

148. From 2003 through 2006, the ASP adopted what is called an 'omnibus resolution', formally titled 'Strengthening the International Criminal Court and the Assembly of States Parties'. These resolutions usually call for ratification of the Rome Statute and other agreements; note developments linked to institution building and to each organ of the Court, and deal with administrative issues as relevant (staff pensions, conditions of services, etc.). The resolutions also include the date and location of the next ASP sessions.

149. The ASP is expected to adopt a similar resolution again this year. If the ASP follows the same procedure as previous sessions, the omnibus resolution will be dealt with by an informal working group. It is not known at this stage which issues will be covered by this resolution, but we expect that it will include some matters of concern to NGOs. This resolution will therefore need the attention of CICC members.

150. The Coalition has established a Team on ASP Structures and Functions to follow and give input to developments.

### Key Concerns

151. The ASP Structures and Functions team recommends

152. If you would like to know more about this issue, please contact Wasana Punyasena, Legal Officer, CICC Secretariat, email: [punyasena@iccnw.org](mailto:punyasena@iccnw.org) +1(646) 465-8521.

### Relevant documents

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution), ICC-ASP/5/Res.3, [http://www.icc-cpi.int/library/asp/ICC-ASP-5-32\\_Part\\_III\\_Resolutions\\_pages\\_337-384\\_English.pdf](http://www.icc-cpi.int/library/asp/ICC-ASP-5-32_Part_III_Resolutions_pages_337-384_English.pdf)

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution), ICC-ASP/4/Res.4, December 2005, [http://www.icc-cpi.int/library/asp/PartIII\\_-\\_Resolutions.pdf](http://www.icc-cpi.int/library/asp/PartIII_-_Resolutions.pdf)

## XVIII. DECISIONS CONCERNING DATES AND VENUES OF THE NEXT ASP SESSIONS

### Background

153. Article 112 of the Rome Statute provides that the Assembly shall meet at the seat of the Court or at the Headquarters of the United Nations. The last comprehensive discussion on dates and venue of the ASP session took place at the Fourth Session of the ASP. The following two options were discussed:
154. Option 1: That the ASP convene annually, in regular session, for a period of no less than nine days, with the venue alternating year to year between The Hague and New York.
155. Option 2: That the ASP meet annually, in regular session, in The Hague, for a period greater than six days, and then convene in resumed session, a few months later, in New York, for a period lasting two/three days’.
156. These options were discussed and debated over several hours. Arguments raised by proponents for having all sessions in New York on the one hand, or all sessions in The Hague on the other, included: the need for dialogue with the ICC; for the ASP to be visible in New York and in The Hague; the lack of diplomatic representation of some regional groups in The Hague; and the practical or political difficulties in having a meeting in The Hague or in New York.
157. The need for longer ASP sessions in general, and more time for the Special Working group on the Crime of Aggression in particular, were widely agreed to by all delegations. In the end, the ASP agreed on the next three sessions as follows (paragraph 53 of the Omnibus resolution from the Fourth Session):
- eight days in November/December 2006 in The Hague for its fifth session and a resumed session of not less than three days of the Special Working Group on the Crime of Aggression in 2007 in New York;
  - not less than eleven days in 2007 in New York for its sixth session, including not less than three days exclusively for the Special Working Group on the Crime of Aggression;
  - not less than eight days in 2008 in The Hague for its seventh session and not less than two days in 2009 in New York for a resumed session for elections;’

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158. The ASP also requested the Bureau 'to fix specific dates and inform all States Parties accordingly.'

159. At the Sixth Session of the ASP, it can be foreseen that this discussion will continue in order to plan for the upcoming sessions. In this regard, in a communication of 12 September 2007, the Republic of Namibia suggested the following addition to the Bureau's report on cooperation: "SPs should continue to alternately/biennially assemble at United Nations Headquarters as a visible manifestation of the political support for and the cooperation between, the International Criminal Court and the United Nations."

### Relevant Documents

Strengthening the International Criminal Court and the Assembly of States Parties (Omnibus Resolution), ICC-ASP/4/Res.4, December 2005,  
[http://www.icc-cpi.int/library/asp/Part\\_III\\_12dec05\\_1300.pdf](http://www.icc-cpi.int/library/asp/Part_III_12dec05_1300.pdf)