

Terms of Reference for the Subsidiary Bodies of the Bureau of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Introduction

Pursuant to Resolution 8, adopted by the Assembly of States Parties at its third session, the Bureau adopted on 1 December 2004 a proposal to establish two working groups (subsidiary bodies) of the Bureau, of equal standing, based respectively in The Hague and in New York.

Period of Operation

Both Working Groups shall be constituted by 1 January 2005, and shall be in operation up until the fourth meeting of the Assembly of States Parties. After this period is over, the terms of reference shall be subject to review by the Bureau.

Mandate

The Working Groups will assist the Bureau in matters referred to them by the Bureau.

Initially, the Working Group in The Hague will consider the following issues: the permanent premises of the International Criminal Court; host country issues (including the Headquarter's agreement (where it relates to the Assembly); and the draft Code of Professional Conduct for Defence Counsel.

Initially, the Working Group in New York will consider the following issues: the Relationship with the United Nations (including the matter of a ICC liaison office at the United Nations; the draft regulations of the Trust Fund for Victims; and the Arrears of States Parties to the Court.

Both Working Groups may consult widely (through the means articulated in the paragraphs below), including with the Court, the host country, other organs of the Assembly (e.g. the Committee on Budget and Finance and the Board of Directors for the Victims Trust Fund), the United Nations and other inter-governmental organizations, as well as with non-governmental organizations, where appropriate. Every effort shall be made, however, to ensure that the competencies and independence of the Court are respected. Every effort shall also be made to ensure that the work of the working groups be coordinated by the President of the Bureau.

Composition

The Working Groups shall be open to all States Parties and other interested states that have requested to participate as observers.¹ Each Working Group shall be

¹ Final decisions concerning the recommendations forwarded to the Bureau must be taken by the representatives of States Parties only.

coordinated preferably by an Ambassador, or an official of similar rank, representing a State Party. The Coordinators are to be appointed by the President of the Bureau, following consultations with the Bureau. The Coordinators shall endeavour to ensure broad geographical participation on the part of States Parties in the work of their respective working groups.

Mode of operation

The Coordinators shall decide on the most appropriate dates and the frequency of the meetings. The Coordinators may, in consultation with the President, appoint Facilitators on particular issues, referred to the Working Group.

Reporting duties

The Coordinators shall report to the President of the Bureau every two months on the progress achieved on the issues referred to the respective Working Groups, or at any time throughout that period when the Coordinators deem it necessary. If the work were to be substantial, a written report would be preferred. Once the work on a particular issue has been concluded, the Coordinators shall present the results of the deliberations of the Working Groups to the Bureau in writing. Similarly, all recommendations put forward by the Working Group, for the consideration and approval of the Bureau, shall be presented in writing. The Coordinators may also make recommendations to the Bureau regarding the issues that could be considered by their Working Groups in the Future.

Rights of the participants

Only those participants representing States Parties shall act as facilitators and only those representing States Parties can decide on the recommendations to be made to the Bureau.