

**FIFTH SESSION OF THE ASSEMBLY OF STATES PARTIES OF
THE INTERNATIONAL CRIMINAL COURT**

DAILY REPORT

TUESDAY, 28 NOVEMBER 2006

Crime of Aggression

In the Working Group on the Crime of Aggression, states debated again the question of an additional qualifier before the words “violation of the Charter,” i.e. “manifest or flagrant.” Opinions were divided with the majority expressing opposition to such a qualifier. With regard to the definition of the act of aggression, the majority preferred a combination of a generic and specific definition. Many underlined the importance of General Assembly Resolution 3314 in this regard, some noting to the possibility of referring to particular provisions in the Resolution.

The Chair noted the mandate for his update of the 2002 Coordinator paper. The revision will be ready in due time and he will continue to be available for consultation informally.

Budget and Finance

The Working Group on the budget continued its discussion on the importance of outreach and the proposed cuts by the Committee on Budget and Finance (CBF) regarding outreach. The Chair of the Working Group summarized the discussion by states, noting that there was unanimous support for the priority given to outreach. There had been a good discussion of the meaning of outreach, differentiating it from public relations. There had also been a fruitful debate on the issue of evaluation and performance indicators, a question that would need to be looked at further. Many states had also referred to the important role of the CBF and welcoming its continued, and possibly more regular, function with regards to outreach.

In terms of the figures, it appeared that there was not a consensus to either endorse or reverse the CBF recommended cuts as such. However, it seemed that the issue of evaluation would be key in solving this matter and that the CBF might have a role to play. The Chair noted that discussions in the afternoon session of the Working Group would be important in determining whether these resources should be absorbed by the Court or reallocated by the ASP.

The morning session of the Working Group then continued to consider the issue of detention costs. It also addressed the cost of security for interim premises. Some states also raised the issue of high translation costs.

States also debated the proposed CBF cuts with regards to the Victims and Witnesses Unit, with states being split on this issue, many of whom recommending that the three recommended posts not be temporary contracts but rather permanent posts.

The afternoon session of the Working Group on the Budget held a lively debate on the budget process, its preparation, and presentation. The Registrar began by providing an

overview of the Court's preparation of the budget and its willingness to improve methods. The Netherlands referred to a paper it had previously circulated on this matter, making several suggestions to improve this process, including through the possibility of assigning a focal point on the budget within the Hague Bureau Working Group to enable an early and more ongoing approach to the budget. Several states addressed the issue of budget growth, flexibility, and the role of the CBF.

The meeting closed with Mexico, acting as a facilitator, providing an update on the pension and condition of service for judges, the Prosecutor, and the Deputy Prosecutor.

There will be informal consultations tomorrow afternoon in hopes of resolving some of these issues.

Omnibus Resolution

There were ongoing informal consultations on the omnibus resolution in the afternoon, with continuing paragraph-by-paragraph review of the text. These discussions will continue tomorrow.

NGO Meetings

The CICC organized an informal meeting with the ICC Prosecutor in the morning. Prosecutor Luis Moreno Ocampo began by providing a brief overview of the status of investigations in all three situations. NGOs from situation countries as well as other potential situation countries then addressed several questions to the Prosecutor.

During lunch, CICC held a regional meeting with European Union governments to exchange views on ratification, implementation and the protecting of the integrity of the Rome Statute. Following a brief presentation by the EU Presidency (Finland) on the implementation of the EU Action Plan, NGO representatives from each region intervened as to the ratification and implementation priorities in their region.

There were several other NGO meetings, including on Victims Participation and for the Universal Justice Caucus.