

**Tenth session**

New York, 12-21 December 2011

**Report of the Bureau on the Study Group on Governance****Note by the Secretariat**

Pursuant to paragraph 6 of resolution ICC-ASP/9/Res.2, of 10 December 2010, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly the report on the Study Group on Governance. The present report reflects the outcome of the informal consultations held by the Study Group with the Court.

**I. Introduction**

1. The Study Group on Governance (the “Study Group”) was established via a resolution of the Assembly of States Parties in December 2010 (ICC-ASP/9/Res.2). The Study Group was established “to conduct a structured dialogue between States Parties and the Court with a view to strengthening the institutional framework of the Rome Statute system and enhancing the efficiency and effectiveness of the Court while fully preserving its judicial independence [...]”; and “to facilitate the dialogue referred to in paragraph 1 with a view to identifying issues where further action is required, in consultation with the Court, and formulating recommendations to the Assembly through the Bureau”.

2. The Hague Working Group of the Bureau agreed with the appointment of Ambassador Pieter de Savornin Lohman (Netherlands), as Chairman of the Study Group. The Chairman requested three focal points to facilitate the work on three clusters. The appointment of the focal points, mentioned hereunder, was welcomed by The Hague Working Group, at the first meeting of the Study Group on 16 March 2011.

3. The Study Group decided to organize its work around three clusters:

(a) *Cluster I*: Relationship between the Court and the Assembly. Focal point: Mr. Kanbar Hossein Bor (United Kingdom);

(b) *Cluster II*: Strengthening the Institutional Framework within the Court. Focal point: Mr. Guillaume Michel (Mexico); and

(c) *Cluster III*: Increasing the Efficiency of the Criminal Process. Focal point: Mr. Yoshiki Ogawa (Japan).

It soon became clear that various topics would be cross-cutting and were therefore being discussed in meetings on the relevant different clusters.

4. The Study Group generally – with only one exception – met in open session, i.e. with representatives of the organs of the Court as well as representatives of civil society. A total of 14 meetings were held. In addition the Chairman and the focal points held consultations with representatives of States Parties, representatives of the organs of the

Court and representatives of other international courts and tribunals. The focal points regularly reported back to the Study Group on the various meetings.

5. In July 2011 the Study Group presented an interim report to the Bureau, through The Hague Working Group, on its activities and the results reached.

6. This report describes the activities of the Study Group and contains a number of recommendations regarding continuation of the work of the Study Group and issues which have been identified as requiring further action or where further study is recommended.

## **II. Evaluation of the work of the Study Group and the way ahead**

7. The Study Group was established with the purpose “to conduct a structured dialogue between States Parties and the Court with a view to strengthening the institutional framework of the Rome Statute system and enhancing the efficiency and effectiveness of the Court [...]” and to “facilitate the dialogue [...] with a view to identifying issues where further action is required, in consultation with the Court, and formulating recommendations to the Assembly through the Bureau”.<sup>1</sup>

8. The Study Group was established for the period of one year. During this past year a broad range of activities has been undertaken in the three different clusters mentioned above which were reported in the July 2011 interim report, as well in this report. By undertaking these activities the Study Group served its purpose of conducting a structured dialogue between States Parties and the Court. At several occasions States Parties as well the Court (its organs) confirmed that they attach great importance to this ongoing dialogue. At the same time it has become clear that one year is insufficient on the one hand to address in depth issues that require attention and on the other hand to take up new issues. The work of the Study Group in practice is an ongoing process. It is therefore deemed appropriate to continue the mandate of the Study Group.

## **III. Cluster I: Relationship between the Court and the Assembly**

9. As part of the discussions on cluster I, a decision was taken, in light of the impending judicial elections at the tenth session of the Assembly, to prioritize the topic of the extension of judges’ mandates. This issue was considered important as it could have a significant impact on both the integrity of the judicial election cycle and the overall efficiency of the Court, in particular the budgetary implications of having more than 18 full time judges sitting at the Court. Accordingly, the Study Group engaged in an extensive and constructive dialogue with the Presidency to understand why the extension of judicial mandates arose, and what powers were at the disposal of the Presidency to ensure that these extensions did not impact on the proper functioning of the Court.

10. These discussions revealed that the principal reason why the mandate of a judge had to be extended was article 36, paragraph 10, of the Rome Statute, which set out that once a trial/appeal chamber judge had commenced the hearing of evidence in a case, they were duty bound to complete the case regardless of when their term came to an end. The decision to extend a judicial mandate was automatic and the Presidency had no competence over such a decision. However, the Presidency did have limited powers in the allocation of judges to trial chambers, which had the potential to have a significant impact on the extension of mandates. Whilst any such decision involved a consideration of a number of factors, the Presidency acknowledged that the current framework of the Rome Statute relevant to such considerations assumed 18 full time judges.

11. The product of these discussions was an Information note by the Presidency<sup>2</sup> which set out the legal framework on the issue of extension of judges’ mandates, on what powers were at the disposal of the Presidency and how these powers were exercised. This Information Note would be a ‘living document’ which would be continuously updated and

---

<sup>1</sup> ICC-ASP/9/Res.2, para. 1, 2.

<sup>2</sup> The Presidency’s Information Note, dated 25 August 2011, is available to States Parties on the Extranet of the Assembly: <https://extranet.icc-cpi.int/asp/ASP10session/SGG%20Documents/Forms/SGG%20view.aspx>.

would provide guidance for future Presidencies and States Parties on the issue of extension of judges' mandates. **It is recommended that the Assembly welcomes this Information Note and that the Presidency periodically update States on practices and developments relevant to this note.**

12. The Study Group noted that the Presidency has, by virtue of the Rules of Procedure and Evidence<sup>3</sup>, no competence over the assignment of judges to divisions, which the Study Group considered to be a potentially important factor in ensuring the correct balance in Chambers and hence reducing the prospect of unnecessary extensions of judges' mandates. It was decided that this issue would warrant further consideration in cluster II.

13. The issue of judicial elections and the role of the Coalition for the International Criminal Court (CICC) Independent Panel on elections were also discussed. There was unanimous agreement that the issue of judicial elections was of fundamental importance to the Court. It was also noted that the facilitation in New York concerning the article 36, paragraph (4)(c) mechanism may be the more appropriate forum to consider the CICC and other potential initiatives on this issue.

14. As part of the discussions on cluster I, a one-day retreat was convened in The Hague on 20 October 2011 to allow the Study Group to reflect on the institutional infrastructure of the Rome Statute system, in particular the role of States Parties in governance and management. Nearing the tenth anniversary of the entry into force of the Rome Statute, the dialogue provided the opportunity to consider the external governance framework within the Rome Statute system in a more strategic and holistic fashion. The dialogue was conducted under 'Chatham House' rules and was split into three sessions, each led by a moderator: (i) The Assembly of States Parties – Ambassador Christian Wenaweser (Liechtenstein), President of the Assembly; (ii) The Hague Working Group – Ambassador Jorge Lomónaco (Mexico), Coordinator of The Hague Working Group; and (iii) The Committee on Budget and Finance – Mr. Santiago Wins, Chair of the Committee.

15. During the course of the dialogue a number of themes and issues were highlighted which could require further attention of the Assembly, including the following:

(a) *The modalities of the general debate segment of the Assembly:* concerns were raised around the current process and whether it was an efficient use of the time and resources of the Assembly. It was felt that national statements could be delivered in a less resource intensive fashion whilst using the time saved at the Assembly to focus on more pressing matters such as arrest warrants, or a review of the legal process;

(b) *High level representation:* It was noted that the extent of high-level representation at the Assembly was usually limited. One possible way to overcome this could be to hold a separate high-level meeting, every two/three years, during the formal session of the United Nations General Assembly, whereby Heads of States or Foreign Ministers of States Parties to the Rome Statute would convene to restate their commitment to the Court. There was general agreement that the modalities and feasibility of such a type of meeting ought to be considered;

(c) *Rationalization of facilitations:* It was noted that it has been sometime since there had been a review of the various facilitations and that it would be appropriate to review which areas the Assembly should focus its existing resources on;

(d) *Bureau:* Some noted that in light of the gradual evolution of the Court it may be more appropriate for more meetings of the Bureau to be held in The Hague, so as to better take into account the needs of the Court. One possible way was to periodically alternate the meetings between The Hague and New York;

(e) *Inter-sessional activity:* It was noted that as the Assembly should focus on key issues which are important and relevant to the core activity of the Court; other activities, mostly of a technical nature, should be addressed before the Assembly within the framework of the Bureau and other working groups. In this regard the use of silence procedure and open meetings of the Bureau should be considered; and

<sup>3</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002 (ICC-ASP/1/3 and Corr.1), part II.A.*

(f) *A strategic approach to the Court's budgetary process and the role of the Committee on Budget and Finance:* There was general agreement that the Court's budgetary process and its interface with the Committee would benefit from a more strategic appraisal so as to identify potential efficiencies and improvements.

16. It is recommended that the Assembly consider these issues further via its subsidiary bodies.

#### **IV. Cluster II: Strengthening the institutional framework within the Court**

17. Some meetings of the Study Group have focused on this cluster. In addition, the focal point conducted informal consultations with representatives of interested States Parties and organs of the Court as a way to identify areas on which the Study Group should concentrate its discussions. After consultations in respect to these issues, it was agreed to address, subject to discussions in related clusters, the following topics:

(a) Powers and competences of the Presidency of the Court in relation to the judiciary;

(b) Relationship between the Presidency and the Registry with regard to the administration of the Court; and

(c) Administrative accountability of the Office of the Prosecutor and its relationship with the other organs of the Court.

18. In relation with the topic "Relationship between the Presidency and the Registry with regard to the administration of the Court", and following a suggestion by the focal point, one session was dedicated to the presentation of the budget process by the Court. The purpose of this presentation was to provide background information for the discussions on this topic, as well as other issues within the mandate of the Study Group. During the question-and-answer segment, States noted that it would be worth analyzing whether the budget of the Court should be demand-driven or resource-driven, leading to the more general question of the budget policies of the Court. Some States also noted that the budget process is clearly linked to the governance structure of the Court, underlying the need to ensure that this structure reflects the administrative responsibilities of the organs as defined in the Rome Statute, as well as the Financial Regulations and Rules. It was recalled that the Committee on Budget and Finance had submitted several recommendations in relation to the governance structure, such as the need for the Assembly to consider the adequacy of its role in selecting key elected officials such as the President of the Court and the Registrar, which has a direct impact on the administration of the Court.

19. Following the consultations, the focal point concluded that the question of the budget process, or more broadly the issue of the budget policy of the Court, should per se be an issue for consideration in the framework of a separate cluster of the Study Group. It was also concluded that a closer analysis of the governance structure and arrangements within the Court should be carried out, taking due account of the recommendations of the Assurance Mapping Study produced by the Office of Internal Oversight Services of the United Nations and the progress made in the framework of the facilitation on the Independent Oversight Mechanism. Finally, it was considered that the question on the Relationship between the Presidency and the Registry with regard to the administration of the Court should continue being discussed taking due account of the governance report.<sup>4</sup>

**The Study Group recommends initiating discussions on the budget process in the framework of the Study Group. It is also recommended to continue engaging in a dialogue with the Court on relevant issues related to the internal governance framework.**

20. As regards the powers and competencies of the Presidency, there was a range of general issues to be considered, in particular those related to the assignment of judges to divisions, which is a cross-cutting issue with cluster I. The focal point was also of the view that other issues for discussion could include some of the questions raised by the

<sup>4</sup>Report of the Court on measures to increase clarity on the responsibilities of different organs (ICC-ASP/9/34).

Committee on Budget and Finance in previous recommendations, such as the role of the Presidency in reviewing the judicial calendar.

21. The work of the Study Group in relation with this cluster focused mainly in reviewing the potential role of the Presidency in the assignment of judges to divisions, with the Study Group considering this as a possible way to strengthen the Presidency's authority to oversee the administration of judges and minimize, to the extent possible, situations resulting in the extension of judicial mandates and/or the excusal of judges. Building on the conclusions reached in cluster I related to the extension of judges, the Study Group considered that the current mechanism to assign judges to divisions could potentially limit the proper administration of the Court, responsibility which lays in the Presidency. The focal point submitted to the consideration of the Study Group a draft amendment to the Rules of Procedure and Evidence transferring the decision on the assignment of judges to divisions from the plenary of judges to the Presidency. The focal point also noted that such an amendment could already be applicable to the composition of divisions that will follow the election of six new judges, in case the amendment is adopted by the Assembly at its tenth session. The proposal received unanimous support from States. The Presidency informed the Study Group that a majority of judges was opposed to the draft amendment. **Having considered the view of the majority of judges, the Study Group nevertheless recommends the Assembly to consider and adopt at its tenth session, the draft amendment to rule 4 of the Rules of Procedure and Evidence (annex I).**

22. On the issue of "Administrative accountability of the Office of the Prosecutor and its relationship with the other organs" the focal point initiated informal discussions and engaged in an informal dialogue with representatives of the Office of the Prosecutor, but due to time constraints no sessions were dedicated to this topic. **Considering the expressions of interest to address the broader the question of the judicial independence and accountability of elected officials, where the oversight role of the Assembly could also be considered, the Study Group recommends to continue a structured dialogue on this topic with the Court.**

## V. Cluster III: Increasing the efficiency of the criminal process

23. Various meetings were dedicated to cluster III. It was decided that the Study Group would focus on two sub-issues, i.e. expediting the criminal process and reparations.

24. On expediting the criminal process, in addition to discussions in the Study Group, the focal point undertook bilateral consultations with stakeholders, such as officials of the Court, representatives of the State Parties, and civil society, and attended relevant meetings with a view to collecting ideas. Based on such discussions and consultations, the focal point drew up and circulated a discussion paper on 11 specific areas where actions might be necessary in order to speed up the criminal process including the number of judges in divisions and chambers, an absence of a judge, evidential issues (written evidence and witness proofing), case management, pre-trial proceedings, victim participation, the establishment of an internal working group, etc. In this connection, the Office of the Prosecutor presented a useful memo, dated 14 June 2011, introducing its view and efforts to increase the efficiency of judicial proceedings. The Study Group took note of the memo and had a preliminary discussion on those items put forward by the focal point. While some items draw more attention than others, the Study Group recognized generally that all issues deserve further examination. The point was made that dialogue with judges would be also beneficial and that lessons could be learned from the ad-hoc tribunals where an informal working group of judges had contributed to the expediting the criminal process. Based on the discussion, some items were revised and a list of issues was produced.

25. Upon the request from the focal point, the Presidency consulted with judges with a view to providing responses to the identified items and any other ideas for expediting the criminal process. The Study Group intended to hold further discussions during the latter half of the year on the identified issues based on input from the Court, in particular the Presidency on behalf of judges. However, toward the end of the year, as discussion in cluster III was devoted to the issue of reparations and inputs from judges were not available, the Study Group did not produce a concrete outcome in this area. Therefore, **it is recommended that further discussion on expediting the criminal process be continued.**

It is important that the Court, including judges, positively engage in this discussion, for instance, by putting forward practical ideas for streamlining the criminal process. The Presidency asserted the Court's intention to conduct a thorough "lessons learned" exercise during 2012 in light of the experience of the first trials, with a view to identifying potential improvements in current procedures. Some States have already expressed their preference for the establishment of an internal working group in the Court in light of the useful experience of the ad-hoc tribunals. The next year will be a critical period when lessons can be learned from departing judges and the Prosecutor. **It is, therefore, recommended that the Court establish an internal working group or utilize any suitable mechanism for considering streamlining the criminal process in collaboration with States Parties.** Such a mechanism could become a channel between the Court and States Parties to achieve appropriate changes, if any, of the legal framework of the Court. The Presidency indicated that the Advisory Committee of Legal Text, established pursuant to regulation 4 of Regulations of the Court,<sup>5</sup> would be a proper body to address such issues.

26. On reparations, the focal point coordinated with the facilitator for Victims Issues and the Trust Fund for Victims during the year. From the outset of the discussion, a concern was expressed by the Study Group that the legal framework and principles for reparations (article 75, paragraph 1, of the Rome Statute) were missing while the potential reparations phase was approaching. Initial discussions focused on the composition of the judiciary in reparations proceedings, as well as the timing and modalities of the establishment of the principles. The Presidency explained orally that it was currently anticipated that the three trial judges in each case would continue to hear reparations and that the judges had decided in plenary that principles would be developed through the jurisprudence of the Court and finally unified by the Appeals Chamber. While the Study Group considers that a single judge handling reparations is legally difficult under the existing statutory framework, some States Parties expressed their interest in the desirability and feasibility of introducing a single judge system. On the other hand, in relation to reparations principles, some States Parties remained concerned about the lack of the principles and requested that a dialogue with the Court should be continued with a view to clarifying the legal framework and principles before a specific reparations order would be made. States Parties also noted that in establishing any principles on reparations, the Court will also take into account any relevant jurisprudence of its Chambers that may be available by the eleventh session of the Assembly of States Parties.

27. To fill the gap between the Court and States Parties, the focal point explored the way in which the Study Group would have an open dialogue with judges through the Presidency. However, it became apparent that such dialogue was difficult as it would be highly problematic for judges in a non-judicial context to express their views before they would decide on reparations in a judicial context. On the other hand, the Court remained open to receiving views of States Parties. To facilitate discussions on the side of States Parties, one State Party produced a non-paper while the focal point presented a discussion paper. Both papers set out recommendations to the Court in relevant areas, including the establishment of the principles. During discussions on these papers, the point was made by the Study Group that establishing comprehensive principles prior to the individual proceedings was legally and practically a correct approach; the Presidency reiterated the position of the judges that principles relating to reparations pursuant to article 75, paragraph 1, of the Statute were to be established through jurisprudence. The Study Group also pointed out, *inter alia*, that as reparations were based on individual criminal responsibility, States Parties should not be held responsible for funding reparations.

28. The focal point, after consultations with interested States Parties, proposed as a possible way-forward that the resolution of the Assembly, to which the amendment to the Rules of Procedure and Evidence might be annexed, could be adopted in order to clarify reparations proceedings and to avoid a fragmented approach and possible conflicts between the Court and States Parties in the area of reparations. As the proposal was generally endorsed by States Parties, the focal point drew up and circulated the draft resolution which reflected previous discussion in this context. An information note on article 75, paragraph 1, of the Rome Statute was presented by the Presidency to clarify its earlier oral explanations. The most contentious issue was whether the draft amendment to the Rules of Procedure and

<sup>5</sup> Regulations of the Court, ICC-BD/01-01-04.

Evidence and the operative paragraph which obligates the plenary session of judges to establish Court-wide coherent principles should be adopted or not. After consultation with judges, the Presidency indicated that an overwhelming majority of judges were strongly opposed to the draft resolution, in particular such an amendment, and recommended the withdrawal of the entire resolution. While some States Parties not only declined to withdraw the entire draft resolution, as some were also in favor of the amendment as a matter of principle, after long discussion, most of them finally accepted withdrawal of the amendment in order to accommodate to some extent the concerns expressed by the Presidency. On the other hand, it was generally agreed that the Court, in particular judges, should ensure the establishment of Court-wide principles, based on which an individual reparation order may be issued, and the States Parties should closely follow the activity of the Court in this area with a view to any further measures. While underlining the position taken by the judges, the Presidency expressed readiness to continue a dialogue with States Parties. In addition, consensus emerged amongst the Study Group regarding other parts of the resolution. **In light of this discussion, it is recommended that the proposed resolution on reparations be adopted.**

## VI. Recommendations

29. The Study Group recommends that the Assembly:

(a) Extend for another year the mandate for the Study Group on Governance given in resolution ICC-ASP/9/Res.2 and requests the Study Group to report back to the Assembly at its eleventh session;

(b) Welcome the presentation of the Information Note by the Presidency regarding the legal framework on the issue of extension of judges' mandates and requests the Presidency to periodically update States on practices and developments relevant to this note;

(c) Support the proposal to consider further issues regarding the governance framework of the Assembly, and noting in particular paragraph 13 of the report;

(d) Endorse the proposal to initiate discussions on the budget process in the framework of the Study Group, and, where appropriate, in consultation with the relevant facilitations within The Hague Working Group;

(e) Endorse the proposal to continue engaging in a dialogue with the organs of the Court on relevant issues related to the internal governance framework;

(f) Adopt at its tenth session the draft amendment to rule 4 of the Rules of Procedure and Evidence (annex I);

(g) Support the proposal to continue a structured dialogue with the organs of the Court on the broader question of the judicial independence and accountability of elected officials, where the oversight role of the Assembly could also be addressed;

(h) Endorse the proposal for further discussion on expediting the criminal process;

(i) Endorse the proposal that the Court establish an internal working group or utilize any suitable mechanism for considering streamlining the criminal process in collaboration with states parties; and

(j) Adopt the proposed resolution on reparations at its tenth session (annex II).

## Annex I

### **Draft resolution on amendments to the rule 4 of the Rules of Procedure and Evidence**

*The Assembly of States Parties,*

*Recalling* the need to conduct a structured dialogue between States Parties and the Court with a view to strengthening the institutional framework of the Rome Statute system and enhancing the efficiency and effectiveness of the Court while fully preserving its judicial independence;

*Recognizing* that enhancing the efficiency and effectiveness of the Court is of a common interest both for the Assembly of States Parties and the Court,

*Recalling* operative paragraphs 1 and 2 of resolution ICC-ASP/9/Res.2<sup>1</sup> and article 51 of the Rome Statute,

1. *Decides* that rule 4, paragraph 1, of the Rules of Procedure and Evidence<sup>2</sup> is replaced as follows:

“Rule 4  
Plenary sessions

1. The judges shall meet in plenary session after having made their solemn undertaking, in conformity with rule 5. At that session the judges shall elect the President and Vice-Presidents.”

2. *Further decides* that the following Rule 4 *bis* is inserted after Rule 4:

“Rule 4 *bis*  
The Presidency

1. Pursuant to article 38, paragraph 3, the Presidency is established upon election by the plenary session of the judges.

2. As soon as possible following its establishment, the Presidency shall, after consultation with the judges, decide on the assignment of judges to divisions in accordance with article 39, paragraph 1.”

---

<sup>1</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I.

<sup>2</sup> *Official Records ... First session ... 2002* (ICC-ASP/1/3 and Corr.1), part II.A.



## Annex II

### Draft resolution on reparations

*The Assembly of States Parties,*

*Recalling* article 75, paragraph 1, and article 112, paragraph 2 (g), of the Rome Statute,

*Mindful* that reparations to the victims of the most serious international crimes are critical components of the Rome Statute and that it is therefore essential that the relevant provisions of the Rome Statute are efficiently and effectively implemented,

*Noting* with concern that the Court has not yet established principles relating to reparations, on which any determination of the extent and scope of any damage, loss and injury to, or in respect of, victims is to be based, in accordance with article 75, paragraph 1, and that in the absence of such principles pre-established by the Court practical inconsistency and unequal treatment of victims may occur,

*Recognizing* that, under article 75, paragraph 2, a reparations order may be made directly against a convicted person while the award for reparations may be made through the Trust Fund for Victims,

*Acknowledging* that the full panel of the Trial Chamber is expected to handle reparations pursuant to article 39, paragraph 2 (b),

*Concluding* that guidance and clarification from States Parties is essential in order to ensure the effective and efficient implementation of the reparations provisions,

1. *Requests* the Court to ensure that Court-wide coherent principles relating to reparations shall be established in accordance with article 75, paragraph 1, based on which the Court may issue individual orders for reparations, and further *requests* the Court to report back to the Assembly at its eleventh session;
2. *Stresses* that as liability for reparations is exclusively based on the individual criminal responsibility of a convicted person, under no circumstances shall States be ordered to utilize their properties and assets, including the assessed contributions of States Parties, for funding reparations awards, including in situations where an individual holds, or has held, any official position;
3. *Underlines* that as the freezing and identification of any assets of the convicted person, which are indispensable for reparations, is of paramount importance the Court should seek to take all measures to that end, including effective communication with relevant States so that they are in a position to provide timely and effective assistance pursuant to article 93, paragraph 1 (k), where possible, in all cases and at as early a stage of the proceedings as possible, irrespective of the declaration of indigence for the purpose of legal aid which bears no relevance to the ability of the accused to provide reparations;
4. *Recognizes* that as adjudication on the individual criminal responsibility shall remain the focus of the judicial mandate of the Court, evidence concerning reparations may be taken during trial hearings so as to ensure that the judicial phase of reparations is streamlined and does not result in any delay thereof;
5. *Invites* the Bureau to report to the Assembly at the next session on reparations and any appropriate measures.

## Annex III

### **Draft paragraphs for inclusion in the omnibus resolution (governance)**

*The Assembly of States Parties,*

[...]

*Recalling* operative paragraph 2 of resolution ICC-ASP/9/Res.2<sup>1</sup>

[...]

*Stresses* the need to continue a structured dialogue between States Parties and the Court with a view to strengthening the institutional framework of the Rome Statute system and enhancing the efficiency and effectiveness of the Court while fully preserving its judicial independence *and invites* the organs of the Court to further engage in a such a dialogue with States Parties;

*Requests* the Bureau to extend, for a period of one year, the mandate of the Study Group on Governance, established within The Hague Working Group, to continue to facilitate the dialogue referred to in previous paragraph with a view to identifying issues where further action is required, in consultation with the Court, and formulating recommendations to the Assembly through the Bureau;

*Welcomes* the Bureau report on the Study Group of Governance and *endorses* the recommendations contained therein.

*Decides* that the issues to be dealt with by the Study Group on Governance include, but are not limited to, matters pertaining to the governance framework of the Assembly, discussion on the budget process, questions of judicial independence and accountability of elected officials, where the oversight role of the Assembly could also be considered, further discussion on expediting the criminal process;

*Welcomes* the initiative that the Court establishes an internal working group or utilize any suitable mechanism for considering streamlining the criminal process in collaboration with the States Parties;

---

---

<sup>1</sup> *Official Records ... Ninth session ... 2010 (ICC-ASP/9/20), vol. I.*