

Resolution ICC-ASP/15/Res.4

Adopted at the 10th plenary meeting, on 24 November 2016, by consensus

ICC-ASP/15/Res.4

Resolution on amendments to rule 101 and rule 144, paragraph 2(b), 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, and *inviting* the organs of the Court to continue to engaging in such a dialogue with States Parties,

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 and article 51 of the Rome Statute,

Commending, in this regard, the judges of the Court, acting by absolute majority, pursuant to article 51, paragraph 2 (b), of the Rome Statute, and upon recommendation of the Advisory Committee on Legal Texts, for their initiative to amend the Rules of Procedure and Evidence,

Noting the reports of the Working Group on Amendments¹ and the report of the Bureau on the Study Group on Governance,²

Taking note with appreciation of the subsequent consultations undertaken by States Parties within the Study Group on Governance and the Working Group on Amendments,

Recognizing that each proposal to amend the Rules of Procedure and Evidence needs to be examined on its own merits, in conformity with the Rome Statute, and with appropriate time allocated to its analysis,

Recalling article 51, paragraph 5, of the Rome Statute, according to which in the event of conflict between the Statute and the Rules of Procedure and Evidence, the Statute shall prevail,

Bearing in mind the need to fully respect the rights accorded to the accused and to victims in the Rome Statute at all stages of proceedings before the Court,

1. *Decides* that the following paragraph be inserted after rule 101, paragraph 2, of the Rules of Procedure and Evidence:

“3. The Court may order in relation to certain decisions, such as those referred to in rule 144, that they are considered notified on the day of their translation, or parts thereof, as are necessary to meet the requirements of fairness, and, accordingly, any time limits shall begin to run from this date.”

2. *Also decides* that the following shall replace rule 144, paragraph 2 (b), of the Rules of Procedure and Evidence:

“(b) The accused, in a language he or she fully understands or speaks, in whole or to the extent necessary to meet the requirements of fairness under article 67, paragraph 1 (f).”

¹ ICC-ASP/15/24.

² ICC-ASP/15/21.