

**ASSEMBLY OF STATES PARTIES TO
THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

**FOURTEENTH SESSION
THE HAGUE, 18-26 NOVEMBER 2015**

**OFFICIAL RECORDS
VOLUME I**

Note

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Decision”.

Secretariat, Assembly of States Parties
International Criminal Court
P.O. Box 19519
2500 CM The Hague
The Netherlands

asp@icc-cpi.int
www.icc-cpi.int

Tel: +31 (0)70 799 6500
Fax: +31 (0)70 515 8376

ICC-ASP/14/20
International Criminal Court publication
ISBN No. 92-9227-314-0

Copyright © International Criminal Court 2015
All rights reserved
Printed by Ipskamp, The Hague

Contents

Part I	
Proceedings	5
A. Introduction.....	5
B. Consideration of issues on the agenda of the Assembly at its fourteenth session	7
1. States in arrears	7
2. Credentials of representatives of States Parties at the fourteenth session	7
3. General debate	7
4. Report on the activities of the Bureau	7
5. Report on the activities of the Court	9
6. Report of the Board of Directors of the Trust Fund for Victims	9
7. Advisory Committee on the nominations of judges	9
8. Election of the members of the Advisory Committee on the nominations of judges	9
9. Election of the Board of Directors of the Trust Fund for Victims	9
10. Election to fill a vacancy of the Committee on Budget and Finance	10
11. Consideration and adoption of the budget for the fourteenth financial year	10
12. Consideration of audit reports	11
13. Premises of the Court	11
14. Amendments to the Rome Statute and the Rules of Procedure and Evidence	11
15. Cooperation	12
16. Efficiency and effectiveness of the Court.....	12
17. Application and implementation of article 97 and article 98 of the Rome Statute	12
18. Review of the application and implementation of amendments to the Rules of Procedure and Evidence introduced at the 12 th Assembly.....	12
19. Decision concerning the dates and venues of the next sessions of the Assembly of States Parties	13
20. Decisions concerning the dates and venue of the next sessions of the Committee on Budget and Finance.....	13
21. Other matters	13
(a) Complementarity	13
(b) Amendment of the Staff Rules of the International Criminal Court	13
(c) Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly	13

Part II

External audit, programme budget for 2016 and related documents	14
A. Introduction	14
B. External audit	14
C. Amount of appropriation	14
D. Contingency Fund	15
E. Working Capital Fund.....	15
F. Employee Benefit Liability fund.....	15
G. Financing of appropriations for 2016.....	15

Part III

Resolutions and decisions adopted by the Assembly of States Parties	16
ICC-ASP/14/Res.1 Resolution on the Programme budget for 2016, the Working Capital Fund and the Contingency Fund for 2016, scale of assessments for the apportionment of expenses of the International Criminal Court and financing appropriations for 2016.....	16
ICC-ASP/14/Res.2 Resolution on article 124.....	26
ICC-ASP/14/Res.3 Resolution on cooperation.....	27
ICC-ASP/14/Res.4 Strengthening the International Criminal Court and the Assembly of States Parties	31
ICC-ASP/14/Res.5 Resolution on permanent premises.....	51
Annexes	76
I. Report of the Credentials Committee.....	76
II. Closing remarks of the President of the Assembly at its 12 th plenary meeting, on 26 November 2015.....	78
III. Statement by Canada in explanation of position after the adoption of resolution ICC-ASP/14/Res.4 at the 12 th plenary meeting of the Assembly, on 26 November 2015.....	81
IV. Statement by Canada on behalf of 34 States in explanation of position after the adoption of the report of the fourteenth session of the Assembly at its 12 th plenary meeting, on 26 November 2015.....	82
V. Statement by Switzerland after the adoption of the report of the fourteenth session of the Assembly at its 12 th plenary meeting, on 26 November 2015, on behalf of Austria, Liechtenstein and Switzerland.....	83
VI. Statement by Kenya at the 12 th plenary meeting of the Assembly, on 26 November 2015	84
VII. Statement by Costa Rica at the 12 th plenary meeting of the Assembly, on 26 November 2015	86
VIII. Statement by Japan at the 12 th plenary meeting of the Assembly, on 26 November 2015.....	87
IX. Statement of the Chair of the Committee on Budget and Finance to the Assembly at its 8 th plenary meeting, on 21 November 2015.....	88
X. Proposed supplementary budget of the International Criminal Court for 2016	94
XI. List of documents	97

Part I Proceedings

A. Introduction

1. In accordance with the decision of the Assembly of States Parties to the Rome Statute of the International Criminal Court (hereinafter “the Assembly”), taken at the 13th meeting of its thirteenth session, on 17 December 2014, the Assembly held its fourteenth session from 18 to 26 November 2015.
2. In accordance with the Rules of Procedure of the Assembly,¹ the President of the Assembly invited all States Parties to the Rome Statute to participate in the session. Other States that had signed the Statute or the Final Act were also invited to participate in the session as observers.
3. In accordance with rule 92 of the Rules of Procedure of the Assembly (hereinafter “the Rules of Procedure”), invitations to participate in the session as observers were also extended to representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly of the United Nations pursuant to its relevant resolutions,² as well as to representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly.
4. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court, or in consultative status with the Economic and Social Council of the United Nations, whose activities were relevant to the activities of the Court or that had been invited by the Assembly, attended and participated in the work of the Assembly.
5. In accordance with rule 94 of the Rules of Procedure, the following States were invited to be present during the work of the Assembly: Bhutan, Democratic People’s Republic of Korea, Equatorial Guinea, Lao People’s Democratic Republic, Lebanon, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Somalia, South Sudan, Swaziland, Tonga, Turkmenistan and Tuvalu.
6. The list of delegations to the session is contained in document ICC-ASP/14/INF.1.
7. The session was opened by the President of the Assembly of States Parties, Mr. Sidiki Kaba (Senegal), who had been elected for the thirteenth to fifteenth session.

At the Assembly’s 1st plenary meeting, on 18 November 2015, in accordance with rule 25 of its Rules of Procedure, the following States were appointed to serve on the Credentials Committee: Bosnia and Herzegovina, Chile, Côte d’Ivoire, Denmark, Estonia, Liechtenstein, Mali, Samoa and Venezuela (Bolivarian Republic of).
8. The Director of the Secretariat of the Assembly, Mr. Renan Villacis, acted as Secretary of the Assembly. The Assembly was serviced by the Secretariat.
9. At its 1st plenary meeting, on 18 November 2015, the Assembly observed one minute of silence dedicated to prayer or meditation, in accordance with rule 43 of the Rules of Procedure of the Assembly

¹ *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.C.

² General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31, 57/32, 58/83, 58/84, 58/85, 58/86, 59/48, 59/49, 59/50, 59/51, 59/52, 59/53, 61/43, 61/259, 63/131, 63/132, 64/3, 64/121, 64/122, 64/123, 64/124, and decision 56/475.

10. At the same meeting, the Assembly adopted the following agenda (ICC-ASP/14/1/Rev.2):

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 fourteenth session:
 - (a) Appointment of the Credentials Committee; and
 - (b) Report of the Credentials Committee.
6. Organization of work.
7. General debate.
8. Report on the activities of the Bureau.
9. Report on the activities of the Court.
10. Report of the Board of Directors of the Trust Fund for Victims.
11. Advisory Committee on the nominations of judges.
12. Election of the members of the Advisory Committee on the nominations of judges.
13. Election of the members of the Board of Directors of the Trust Fund for Victims.
14. Election to fill a vacancy on the Committee on Budget and Finance.
15. Consideration and adoption of the budget for the fourteenth financial year.
16. Consideration of the audit reports.
17. Premises of the Court.
18. Amendments to the Rome Statute and the Rules of Procedure and Evidence.
19. Cooperation.
20. Efficiency and effectiveness of Court proceedings.
21. Application and Implementation of article 97 and article 98 of the Rome Statute
22. Review of the Application and implementation of amendments to the Rules of Procedure and Evidence introduced at the 12th Assembly
23. Decision concerning the date of the next session of the Assembly of States Parties.
24. Decisions concerning the dates and venue of the next sessions of the Committee on Budget and Finance.
25. Other matters.

11. The annotated list of items included in the provisional agenda was contained in a note by the Secretariat (ICC-ASP/14/1/Add.1/Rev.2). At its 1st plenary meeting, the Assembly decided, pursuant to rule 12 of the Rules of Procedure of the Assembly, to include two supplementary items on the agenda of the fourteenth session. Relevant documentation for the two supplementary agenda items, titled “Application and Implementation of article 97 and article 98 of the Rome Statute” and “Review of the Application and implementation of amendments to the Rules of Procedure and Evidence introduced at the 12th Assembly”, is included in the document titled “List of supplementary items requested for inclusion in the agenda of the fourteenth session of the Assembly” (ICC-ASP/14/35, Add.1 and Add.2).

12. Also at its 1st plenary meeting, the Assembly agreed on a programme of work and decided to meet in plenary session as well as in the working group format. The Assembly established a Working Group on the Programme Budget for 2016.

13. Mr. Werner Druml (Austria) was appointed Coordinator of the Working Group on the Programme Budget for 2016. Ms. May-Elin Stener (Norway) was appointed Coordinator of the Working Group on Amendments for the duration of the fourteenth session. Ms. Damaris Carnal (Switzerland) was appointed Coordinator for the consultations on the omnibus resolution.

B. Consideration of issues on the agenda of the Assembly at its fourteenth session

1. States in arrears

14. At the 1st plenary meeting, on 18 November 2015, the Assembly was informed that article 112, paragraph 8, first sentence, of the Rome Statute was applicable to eleven States Parties.

15. The President of the Assembly renewed the appeal to States Parties in arrears to settle their accounts with the Court as soon as possible. The President also appealed to all States Parties to pay their assessed contributions for 2016 in a timely manner.

16. Pursuant to article 112, paragraph 8, of the Rome Statute, one State Party in arrears submitted a request to the Assembly for exemption of the loss of its voting rights, with the Assembly approving the request at its 11th plenary meeting.

2. Credentials of representatives of States Parties at the fourteenth session

17. At its 12th plenary meeting, on 26 November 2015, the Assembly adopted the report of the Credentials Committee (see annex I to this report).

3. General debate

18. At the 2nd, 3rd, 4th and 5th plenary meetings, on 18 and 19 November 2015, statements were made by the representatives of Afghanistan; Argentina; Australia; Bangladesh; Botswana; Brazil; Bulgaria; Burundi; Canada; Chile; Colombia; Costa Rica; Czech Republic; Democratic Republic of the Congo; Denmark; Ecuador; Estonia; Ethiopia (on behalf of the African Union); Finland; France; Gambia; Germany; Ghana; Guatemala; Hungary; Iceland; Japan; Jordan (Hashemite Kingdom of); Kenya; Liechtenstein; Luxembourg (on behalf of the European Union); Madagascar; Mali; Mexico; the Netherlands; New Zealand; Norway; Panama; Peru; Philippines; Poland; Portugal; Republic of Korea; Romania; Samoa; Serbia; Slovakia; Slovenia; South Africa; Spain; State of Palestine; Sweden; Switzerland; Tunisia; Uganda; United Kingdom of Great Britain and Northern Ireland; Uruguay; and Venezuela (Bolivarian Republic of). Statements were also made by: China; Israel; and the United States of America. The following regional organization made a statement: Organisation internationale de la Francophonie. The following civil society organizations also made statements: Coalition for the International Criminal Court; Parliamentarians for Global Action; Burundian national coalition for the International Criminal Court; Human Rights Watch; Georgian Young Lawyer's Association; Amnesty International; Philippine national coalition for the International Criminal Court; American Bar Association; Kenyans for Peace with Truth and Justice; Al-Haq and International Federation for Human Rights (Joint statement); and Centro Prodh.

4. Report on the activities of the Bureau

19. At its 1st plenary meeting, on 18 November 2015, the Assembly took note of the oral report on the activities of the Bureau, delivered by the President H.E. Mr. Sidiki Kaba. The President noted that, since the thirteenth session, the Bureau had held 11 formal meetings in order to assist the Assembly in the discharge of its responsibilities under the Rome Statute.

20. On behalf of the Bureau, the President expressed pleasure with the work conducted, in 2015, by its Working Groups in The Hague and New York, and by the facilitators and the *ad country* focal points, as they had successfully carried out the mandates of the Assembly under the leadership of their respective Coordinators, Vice-President Ambassador Sebastiano Cardi (Italy) and Vice-President Ambassador Alvaro Moerzinger (Uruguay). He was also pleased with the work of the Study Group on Governance under the leadership of Ambassador María Teresa de Jesús Infante Caffi (Chile) and Ambassador Masaru Tsuji (Japan), as well as the focal points for Cluster I and Cluster II. This had

enabled the Bureau to submit for the Assembly's consideration the respective reports and recommendations on the issues within its mandate.

21. In 2015, the Bureau had sought to continue to apply the pivotal recommendations on the evaluation and rationalization of its working methods, contained in the report to the Assembly at its twelfth session.³

22. The President indicated that on 23 June 2015, the Bureau had decided, by consensus, to follow the recommendations of the 2014 recruitment panel and thus selected the candidate ranked in first place as Head of the Independent Oversight Mechanism (IOM). The President informed the Assembly that Mr. Ian Fuller had commenced his duties on 15 October 2015.

23. Throughout 2015, the Bureau and the New York Working Group monitored with concern the issue of arrears.⁴ The President recalled the obligation of States Parties to fulfill their responsibility of paying in full and on time the assessed contributions approved by the Assembly, and recalled the recommendation by the Bureau to broaden and intensify the work on outstanding contributions and arrears.

24. To contribute to efficacy of the elections and on the basis of extensive consultations, the Bureau recommended several amendments to the procedure on the nomination and election of judges.⁵

25. In order to assist the Assembly in the election of the new Advisory Committee on the nominations of judges, the Bureau established a Working Group, which recommended by consensus the designation of nine members of the Advisory Committee on Nominations.⁶

26. The President indicated also that as a result of the work conducted by the Bureau on cooperation⁷ and complementarity,⁸ as in past years, the Assembly would hold a plenary session on each of these topics. Also, as part of the work of the Study Group on Governance,⁹ the Assembly would also hold for the first time, a plenary session on the efficiency and effectiveness of the Court proceedings.

27. In 2015, the Bureau also engaged extensively in implementing the Assembly procedures on non-cooperation and reviewing their effectiveness, and presented a report to the Assembly, which includes several important recommendations for the work to be conducted throughout 2016 and at the fifteenth session of the Assembly.¹⁰

28. During 2015, the Bureau also held extensive consultations and issued important recommendations, including on equitable geographical representation and gender balance in the recruitment of staff of the Court;¹¹ on the organization of a pledging ceremony on ratification of the Agreement on the Privileges and Immunities of the Court; on the Strategic planning process of the Court;¹² and on the Plan of Action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the Court.¹³

29. In addition, the Bureau has monitored developments at the United Nations Security Council, and thanks to the engagement of the designated focal point on the International Criminal Court on behalf of the States Parties sitting at the Council (Chile), the Bureau has systematized and disseminated to all States Parties the decisions and other actions taken by the Council, during the inter-sessional period, in relation to the International Criminal Court.

30. The President noted that in his activities he had been focusing especially on four strategic areas: dialogue with Africa, complementarity, cooperation and universality, through numerous visits to Ethiopia, Guinea, Kenya, Mali, New York, where he held high-level

³ ICC-ASP/12/59.

⁴ ICC-ASP/14/40.

⁵ ICC-ASP/14/41.

⁶ ICC-ASP/14/42.

⁷ ICC-ASP/14/26/Rev.1, Add.1, Add.1/Corr.1, Corr.2 and Add.2.

⁸ ICC-ASP/14/32.

⁹ ICC-ASP/14/30.

¹⁰ ICC-ASP/14/38.

¹¹ ICC-ASP/14/39.

¹² ICC-ASP/14/37.

¹³ ICC-ASP/14/31.

bilateral meetings, and through engagement and constant dialogue with representatives from States Parties, officials from the United Nations, civil society organizations and journalists.

31. The President informed the Assembly that throughout the year, the Secretariat of the Assembly of States Parties had continued to carry out its mandate in assisting the Assembly and its subsidiary bodies, in accordance with resolution ICC-ASP/2/Res.3 and expressed gratitude to the staff of the Secretariat.

32. In his report, the President called on the Bureau and the Assembly to be guided by their responsibility towards the victims and affected communities in the discharge of their mandates.¹⁴

5. Report on the activities of the Court

33. At its 1st plenary meeting, on 18 November 2015, the Assembly heard statements by Judge Silvia Fernández de Gurmendi, President of the Court, and by Ms. Fatou Bensouda, Prosecutor of the Court. At the same meeting, the Assembly took note of the report on the activities of the International Criminal Court.¹⁵

6. Report of the Board of Directors of the Trust Fund for Victims

34. At its 1st meeting, on 18 November 2015, the Assembly heard a statement by Mr. Motoo Noguchi, Chairperson of the Board of Directors of the Trust Fund for Victims. The Assembly considered and took note of the report on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2014 to 30 June 2015.¹⁶

7. Advisory Committee on the nominations of judges

35. The Assembly took note of the report of the Working Group of the Bureau on the Advisory Committee on Nominations,¹⁷ and welcomed the appointment of the nine members of the Advisory Committee as recommended by the Working Group.

8. Election of the members of the Advisory Committee on the nominations of judges

36. At its 1st plenary meeting, on 18 November 2015, the Assembly, on the recommendation of the Bureau,¹⁸ appointed the following nine members of the Advisory Committee on the nominations on judges for a three-year term commencing on 18 November 2015:

Mr. Thomas Barankitse (Burundi)
 Mr. Bruno Cotte (France)
 Mr. Hiroshi Fukuda (Japan)
 Mr. Adrian Fulford (United Kingdom)
 Mr. Philippe Kirsch (Canada)
 Mr. Daniel David Ntanda Nsereko (Uganda)
 Mr. Ernest Petri (Slovenia)
 Ms. Mónica Pinto (Argentina)
 Mr. Manuel Ventura Robles (Costa Rica)

9. Election of the Board of Directors of the Trust Fund for Victims

37. In a note dated 13 November 2015,¹⁹ the Secretariat indicated that it had received seven candidatures and submitted to the Assembly a list of six²⁰ candidates nominated by States Parties for election to the Board of Directors of the Trust Fund for Victims.

¹⁴ The full text of the statement is included as annex II to this report.

¹⁵ ICC-ASP/14/29.

¹⁶ ICC-ASP/14/14.

¹⁷ ICC-ASP/14/42.

¹⁸ Ibid.

¹⁹ ICC-ASP/14/23.

²⁰ One nominating State indicated the withdrawal of its candidate.

38. At its 1st meeting, on 18 November 2015, in accordance with paragraph 11 of resolution ICC-ASP/1/Res.7, the Assembly dispensed with the secret ballot in respect of the Asia-Pacific, Latin American and Caribbean, and Western European and other States groups and elected by acclamation the following three members of the Board of Directors of the Trust Fund for Victims:

Ms. Arminka Heli (United Kingdom)
 Mr. Felipe Michelini (Uruguay)
 Mr. Motoo Noguchi (Japan)

39. At its 12th meeting, on 26 November 2015, the Assembly held a secret ballot to elect the member of the Board of Directors representing the African group.

40. The Assembly conducted two ballots. In the second round, 79 ballots were cast, of which none were invalid and 77 were valid; the number of States Parties voting was 79 and the required two-thirds majority was 52. The following candidate obtained a two-thirds majority of the States Parties present and voting: Ms. Mama Koite Doumbia (Mali) (69 votes).

41. The members of the Board elected at the fourteenth session were elected for a three-year term commencing on 1 December 2015.

42. With respect to filling the fifth seat, the Assembly adopted an amendment to resolution ICC-ASP/1/Res.6 whereby the Bureau could elect the member.²¹ The Assembly requested the Bureau to elect the fifth member in the first quarter of 2016, given the special circumstances of the Trust Fund. The term of the member to be elected will run until 30 November 2018.

10. Election to fill a vacancy on the Committee on Budget and Finance

43. Pursuant to paragraph 2 of the annex to resolution ICC-ASP/1/Res.4, the Bureau decided on 1 October 2015 that the election to fill the vacancy which arose from the resignation of Mr. Juhani Lemmik (Estonia) would take place during the fourteenth session of the Assembly and the nomination period to fill the vacancy would run from 6 October to 5 November 2015.

44. By the close of the nomination period on 5 November 2015, one nomination by Estonia had been received. In a note dated 10 November 2015, the Secretariat submitted to the Assembly the name of the candidate.²²

45. At its 2nd meeting, on 18 November 2015, in accordance with resolution ICC-ASP/1/Res.5,²³ the Assembly dispensed with the secret ballot and elected the following member of the Committee on Budget and Finance by acclamation:

Mr. Urmet Lee (Estonia)

46. Mr. Lee was elected for the remainder of the term of Mr. Lemmik, namely until 20 April 2017, and would be eligible for re-election.

11. Consideration and adoption of the budget for the fourteenth financial year

47. At its 8th meeting, on 21 November 2015, the Assembly heard statements by Mr. Herman von Hebel, Registrar of the Court, and Ms. Carolina María Fernández Opazo, Chair of the Committee on Budget and Finance.

48. The Assembly, through its Working Group, considered the 2016 proposed programme budget, the reports of the Committee on Budget and Finance and the reports of the External Auditor.

49. At its 11th meeting, on 26 November 2015, the Assembly adopted the report of the Working Group on the programme budget (ICC-ASP/14/WGPB/CRP.1) wherein it, *inter alia*, conveyed the recommendation of the Working Group that the Assembly endorse the recommendations of the Committee on Budget and Finance at its twenty-fifth session.

²¹ ICC-ASP/14/Res.4, annex III.

²² ICC-ASP/14/36.

²³ As amended by resolution ICC-ASP/2/Res.4.

50. At the same meeting, the Assembly also considered and approved, by consensus, the programme budget for 2016.

51. At the same meeting, the Assembly adopted, by consensus, resolution ICC-ASP/14/Res.1, concerning the programme budget in relation to the following:

(a) Programme budget for 2016, including appropriations totalling €139,590,600 for the major programmes and staffing tables for each of the major programmes. This amount is reduced by the contribution of the host State to the costs for the interim premises; and the payments corresponding to Major Programme VII-2 Permanent Premises Project-Interest;

(b) Working Capital Fund for 2016;

(c) Employee Benefit Liability fund;

(d) Contingency Fund;

(e) Premises of the Court;

(f) Scale of assessment for the apportionment of expenses of the Court;

(g) Financing of appropriations for 2016;

(h) Amendments to Financial Regulations and Rules;

(i) Transfer of funds between major programmes under the 2015 approved programme budget;

(j) A strategic approach to an improved budgetary process;

(k) Audit;

(l) Human Resources;

(m) Referrals by the Security Council.

12. Consideration of the audit reports

52. At its 8th meeting, on 21 November 2015, the Assembly heard a statement by Mr. Richard Bellin on behalf of the External Auditor, Mr. Didier Migaud. The Assembly took note with appreciation of the reports of the External Auditor on the audit of the financial statements of the Court for the period 1 January to 31 December 2014²⁴ and of the Trust Fund for Victims for the same period,²⁵ as well as the audit report on cash reserves.²⁶

13. Premises of the Court

53. At its 1st meeting, on 18 November 2015, the Assembly took note of the oral report of the Chairperson of the Oversight Committee on permanent premises, Mr. Roberto Bellelli (Italy), and of the report on the activities of the Oversight Committee.²⁷

54. At its 12th meeting, on 26 November 2015, the Assembly adopted, by consensus, resolution ICC-ASP/14/Res.5 on permanent premises.

14. Amendments to the Rome Statute and the Rules of Procedure and Evidence

55. The Assembly took note of the report of the Working Group on Amendments. At its 11th meeting, on 26 November 2015, the Assembly adopted resolution ICC-ASP/14/Res.2, by which it decided to amend the Rome Statute by the deletion of article 124.²⁸

²⁴ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part C.1.

²⁵ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part C.2.

²⁶ ICC-ASP/14/44.

²⁷ ICC-ASP/14/33, Add.1 and Add.2.

²⁸ See also Depositary Notification C.N.7.2016.TREATIES-XVIII.10, dated 15 January 2016, available at <http://treaties.un.org>.

15. Cooperation

56. At its 6th meeting, on 20 November 2015, the Assembly considered the topic of cooperation with the Court, in a panel discussion on voluntary framework agreements or arrangements. States Parties, as well as non-governmental organizations, had the opportunity to deliver interventions on the thematic topic and on cooperation in general. Delegations discussed the importance of voluntary cooperation agreements with the Court as its investigative, judicial and prosecutorial activities have increased, and proposed extending cooperation activities with the Court to other areas, including, inter alia, with regard to financial information.

57. At its 12th plenary meeting, on 26 November 2015, the Assembly adopted, by consensus, resolution ICC-ASP/14/Res.3 on cooperation, whereby the Assembly, inter alia: stressed the importance of effective and comprehensive cooperation and assistance by States Parties, other States and international and regional organizations, to enable the Court to fulfil its mandate; took note of the report on arrest strategies by the Rapporteur; urged States Parties to avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party; and invited the Bureau to discuss the feasibility of establishing a coordinating mechanism of national authorities. Further, the Assembly called upon all States Parties and other States to continue strengthening cooperation with the Court by entering into agreements or arrangements with the Court on matters including protective measures for witnesses and victims, interim release, final release and sentence enforcement. The Assembly also welcomed the review of the 66 recommendations on cooperation and the flyer prepared by the Court in order to increase their understanding and implementation by all stakeholders, and encouraged the Bureau, through its Working Groups, to continue to review of the implementation of the recommendations in close cooperation with the Court, where appropriate.

16. Efficiency and effectiveness of the Court

58. At its 10th meeting, on 24 November 2015, the Assembly held a plenary panel discussion the specific item on the efficiency and effectiveness of Court proceedings, pursuant to resolution ICC-ASP/13/Res.5. The Assembly welcomed the focused dialogue between States Parties, the Court and civil society in this discussion and, inter alia, noted the shared responsibility of the Court and States Parties in this regard.

17. Application and implementation of article 97 and article 98 of the Rome Statute

59. At its 7th meeting, on 20 November 2015, the Assembly discussed agenda item 21 in a high-level debate and agreed as follows:

Article 97:

Following the plenary debate held at the fourteenth session of the Assembly on the supplementary agenda item introduced by South Africa, States Parties expressed their willingness to consider, within the framework of the appropriate subsidiary body of the Assembly, proposals to develop procedures for the implementation of article 97.

Articles 27 / 98:

Regarding the relationship between articles 27 and 98 of the Rome Statute, some States Parties raised concerns, and it was noted that interested States Parties could refer the matter to the Bureau for further consideration and attention.

18. Review of the application and implementation of amendments to the Rules of Procedure and Evidence introduced at the 12th Assembly

60. At its 7th meeting, on 20 November 2015, the Assembly discussed agenda item 22 in a high-level debate.

61. Following the debate on the supplementary item “Review of the Application and Implementation of Amendments to the Rules of Procedure and Evidence introduced at the

12th Assembly”, the Assembly recalled its resolution ICC-ASP/12/Res.7, dated 27 November 2013, which amended rule 68 of the Rules of Procedure and Evidence, which entered into force on the above date, and consistent with the Rome Statute reaffirmed its understanding that the amended rule 68 shall not be applied retroactively.

62. In connection with item 22 of the agenda of its fourteenth session, the Assembly had before it document ICC-ASP/14/35 and Add.1.

63. Following the debate on the item, the Assembly emphasized the importance and urgency of having a fully operational Independent Oversight Mechanism and requested the Bureau to follow the process thereon.

19. Decision concerning the dates and venues of the next sessions of the Assembly of States Parties

64. At its 12th meeting, on 26 November 2015, the Assembly decided to hold its fifteenth session in The Hague from 16 to 24 November 2016 and its sixteenth and seventeenth sessions in New York and in The Hague, respectively.

20. Decisions concerning the dates and venue of the next sessions of the Committee on Budget and Finance

65. At its 12th meeting, on 26 November 2015, the Assembly decided that the Committee on Budget and Finance would hold its twenty-sixth and twenty-seventh sessions in The Hague, from 18 to 22 April 2016 and 19 to 30 September 2016, respectively.

21. Other matters

(a) Complementarity

66. At its 4th plenary meeting, the Assembly held a panel discussion organized by the *ad-country* focal points for complementarity, Botswana and Sweden, titled “Exchange of views on strategic action to enhance national capacity to investigate and prosecute sexual and gender-based crimes that may amount to Rome Statute crimes.” Two panels focused on the following topics, respectively: “Ensuring access to justice for victims of sexual and gender-based crimes at the national level” and “Enhancing empowerment of victims of sexual and gender based crimes at the national level.”²⁹

(b) Amendment of the Staff Rules of the International Criminal Court

67. The Assembly, pursuant to Regulation 12.2 of the Staff Regulations, adopted by the Assembly in resolution ICC-ASP/2/Res.2, took note that the Registrar had amended Staff Rules 110.3, 110.4, 111.1 and 111.2 and that the Secretariat of the Assembly had informed States Parties accordingly on 15 November 2015.

(c) Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly

68. The Assembly expressed its appreciation to Ireland and Poland for their contributions to the Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly.

69. The Assembly noted with satisfaction that seven delegations had made use of the Trust Fund to attend the fourteenth session of the Assembly.

²⁹ A summary of the panel discussions is available at: https://www.icc-cpi.int/en_menus/asp/sessions/documentation/14th-session/Pages/ASP14-plenary.aspx.

Part II

External audit, programme budget for 2016 and related documents

A. Introduction

1. The Assembly of States Parties (the Assembly) had before it the 2016 proposed programme budget submitted by the Registrar of the International Criminal Court (the Court) on 2 September 2015,¹ the proposed supplementary budget of the International Criminal Court for 2016,² the reports of the twenty-fourth,³ resumed twenty-fourth⁴ and twenty-fifth sessions⁵ of the Committee on Budget and Finance (the Committee), the financial statements for the period 1 January to 31 December 2014,⁶ and the Trust Fund for Victims financial statements for the period 1 January to 31 December 2014.⁷ The Assembly also had before it annex VI of the report of the Committee on the work of its twenty-fifth session, in which the Court outlined the budgetary implications of the Committee's recommendations on the budgets of major programmes.

2. At the eighth plenary meeting, the Assembly heard the statements made by the Registrar of the Court, Mr. Herman von Hebel, the Chair of the Committee, Ms. Carolina María Fernández Opazo and the representative of the External Auditor (la Cour des comptes (France)), Mr. Richard Bellin.

3. The Working Group on the Programme Budget met on 25 November 2015. During the meeting the draft resolution was considered and finalized. The Working Group was assisted in its work by the Chair of the Committee.

B. External audit

4. The Assembly noted with appreciation the reports of the External Auditor and related comments of the Committee contained in the report on the work of its twenty-fifth session as well as the Audit Report on cash reserves⁸ and the letter of the Chair of the Committee on Budget and Finance on that audit report dated 17 November 2015.⁹

C. Amount of appropriation

5. The Court's 2016 proposed programme budget amounted to €153,328,200 including the supplementary budget submitted by the Court in the amount of €198,300.

6. The Committee's first examination of the Court's 2016 proposed programme budget, at its twenty-fifth session, found a number of areas where, based on actual and forecast expenditure, as well as accumulated experience, a number of savings could be made. Accordingly, the Committee had recommended that the budget allocation be reduced to a total of €139,960,600.

7. The Assembly endorsed the recommendations contained in the report of the Committee and approved a budget appropriation for 2016 of €139,590,600.

8. The Assembly noted that the reduction of the Major Programme VII-2 - Permanent Premises Project – Interest amounting to €2,200,500 and the contribution to the rent of the premises by the host State amounting to €805,000 brought down the total level of assessed contributions for the 2016 programme budget to €136,585,100.

¹ *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part A.

² ICC-ASP/14/10/Add.2.

³ *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.1.

⁴ *Ibid.*, part B.2.

⁵ *Ibid.*, part B.3.

⁶ *Ibid.*, part C.1.

⁷ *Ibid.*, part C.2.

⁸ Audit Report on the Cash Reserves (ICC-ASP/14/44).

⁹ ICC-ASP/14/44, annex.

D. Contingency Fund

9. The Assembly decided to keep the notional level of the Contingency Fund at €7 million.
10. Following established practice, the Assembly authorized the Court to transfer funds between major programmes at year end if the costs of unforeseen activities could not be absorbed within one major programme while a surplus existed in other major programmes, to ensure that all appropriations for 2015 were exhausted before accessing the Contingency Fund.

E. Working Capital Fund

11. The Assembly took note of recommendations of the Committee on Budget and Finance and the External Auditor and approved that the Court exceptionally make use of the Working Capital Fund up to the amount strictly necessary to cover the balance of the permanent premises costs not funded by the Employee Benefit Liability fund.

F. Employee Benefit Liability fund

12. The Assembly took note of recommendations of the Committee on Budget and Finance and the External Auditor and approved that the Court exceptionally use funds from the Employee Benefit Liability fund pursuant to paragraph 3 of the resolution ICC-ASP/13/Res.6 while retaining resources to cover the judges and staff liabilities for the amount of €0.7 million for 2016.

G. Financing of appropriations for 2016

13. The Assembly resolved that, for 2016, the total assessed contributions amounted to €136,585,100.

Part III

Resolutions adopted by the Assembly of States Parties

Resolution ICC-ASP/14/Res.1

Adopted at the 11th plenary meeting, on 26 November 2015, by consensus

ICC-ASP/14/Res.1

Resolution on the Programme budget for 2016, the Working Capital Fund and the Contingency Fund for 2016, scale of assessments for the apportionment of expenses of the International Criminal Court and financing appropriations for 2016

The Assembly of States Parties,

Having considered the 2016 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the report of the Committee on Budget and Finance (“the Committee”) on the work of its twenty-fourth session, its resumed twenty-fourth session and its twenty-fifth session,

Emphasizing the shared goal of giving fullest meaning to the “One-Court-principle”,

Further emphasizing the utmost importance of achieving economies of scale and identifying duplications,

Recalling the need of the Court to give utmost priority to the annual budget cycle and calling for a restrictive use of multi-annual funds administered outside the cycle,

Noting the relevance of the budget process in ensuring that the Court’s resources are focused appropriately on its core functions, and the responsibility of States Parties in exercising discipline in the demands placed on the Court’s resources,

A. Programme budget for 2016

1. *Approves* appropriations totalling €139,590,600 in the appropriation sections described in the following table:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	12,430.6
Major Programme II - Office of the Prosecutor	43,233.7
Major Programme III - Registry	72,759.2
Major Programme IV - Secretariat of the Assembly of States Parties	2,808.8
Major Programme V - Premises	2,824.6
Major Programme VI - Secretariat of the Trust Fund for Victims	1,884.5
Major Programme VII-1 - Project Director’s Office (permanent premises)	451.8
Major Programme VII-2 - Permanent Premises Project – Interest	2,200.5
Major Programme VII-5 - Independent Oversight Mechanism	315.1
Major Programme VII-6 - Office of Internal Audit	681.8
Total	139,590.6

2. *Notes* that the host State will continue to contribute to the costs for the Court in relation to Major Programme V – Premises and that these contributions amount to €805,000 as referred to in section E of this resolution;

3. *Further notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises, and have made such payments in full, will not be assessed for the contributions corresponding to Major Programme VII-2 – Permanent Premises Project – Interest on the host State loan amounting to €2,200,500;
4. *Further notes* that these contributions will bring down the level of the 2016 programme budget appropriations that need to be assessed for contributions by States Parties from €139,590,600 to €136,585,100;
5. *Also notes* the Court’s submission of a supplementary budget in the Mali situation for an amount of €198,300; the supplementary budget, as foreseen in the Court’s Financial Regulations and Rules, follows the arrest of a suspect that took place after the submission of the proposed budget, resulting in foreseeable additional expenditure for 2016;
6. *Welcomes* the inclusion of the supplementary budget in the appropriations indicated in paragraph 1 and its absorption within the total budget envelope;
7. *Further approves* the following staffing tables for each of the above appropriation sections without prejudice to decisions that the Assembly must take in relation to the 2017 budget:

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat Assembly of States Parties</i>	<i>Secretariat Trust Fund for Victims</i>	<i>Project Director's Office</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>
USG		1							1
ASG		1	1						2
D-2									
D-1		3	3	1	1	1		1	10
P-5	4	17	20	1			1		43
P-4	3	35	44	1	1	1	1	1	87
P-3	20	54	87	1	4			1	167
P-2	9	48	88	1			1		147
P-1	3	15	5						23
<i>Subtotal</i>	<i>39</i>	<i>174</i>	<i>248</i>	<i>5</i>	<i>6</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>480</i>
GS-PL	1	1	15	3					20
GS-OL	12	64	316	2	3	1	1	1	400
<i>Subtotal</i>	<i>13</i>	<i>65</i>	<i>331</i>	<i>5</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>420</i>
Total	52	239	579	10	9	3	4	4	900

B. Working Capital Fund for 2016

The Assembly of States Parties,

Recalling that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,¹

1. *Notes* the conclusions of the External Auditor² and the recommendations of the Committee on Budget and Finance³ on the appropriate level of the Working Capital Fund of the Court;
2. *Resolves* that the Working Capital Fund shall be maintained in the amount of €7,405,983 for 2016;

¹ Financial Regulations and Rules 6.2.

² Audit Report on the Cash Reserves (ICC-ASP/14/44).

³ ICC-ASP/14/44, annex.

3. *Notes* the recommendation of the Committee on Budget and Finance,⁴ *requests* the Court to use the surplus funds of the financial period 2014 and onwards for the replenishment of the Working Capital Fund which shall have priority over other potential calls on the use of the surplus funds;
4. *Notes* the suggestion of the External Auditor that the level for the Working Capital Fund of the Court could be determined following practices of other international organizations and be on average eight per cent of the approved programme budget, amounting to approximately €1,200,000;⁵
5. *Recalls* that in order to maintain budgetary discipline, funds should only be used for the purposes for which they were created, *authorizes* the Court exceptionally to make use of the Working Capital Fund up to the amount strictly necessary to cover the balance of the permanent premises costs not funded by the Employee Benefit Liability fund;
6. *Invites* the Court to assess possible risks to its operational continuity in case of temporary liquidity shortfalls resulting from delayed assessed contributions; and *further invites* the Court to consider options for its financial management to deal with such risks, and *requests* the External Auditor to consider such risks and options;
7. *Stressing* that any external bridge financing temporary liquidity shortfalls should be an exceptional measure, limited to 2016, and subject to the prior recommendation of the Committee on Budget and Finance and the timely approval by the Bureau; *decides* that any fees should be absorbed by the Court.⁶

C. Employee Benefit Liability fund

The Assembly of States Parties,

Recalling that the Employee Benefit Liability fund was established by the Court as a cash reserve for the purpose of funding employee benefit liabilities, including short-term, long-term and post-employment benefit liabilities,⁷

Noting that the Registry had consulted the External Auditor as to the use of the Employee Benefit Liability fund to cover for the portions of the enhanced termination indemnity foreseen in the Court's Staff Rules and Regulations and also reported to the Committee on Budget and Finance at its resumed twenty-fourth session and its twenty-fifth session to this effect,

Further recognizing that the External Auditor expressed its agreement in principle with the use of the Employee Benefit Liability fund to this end while at the same time recommending that an authorization from the Assembly be sought to this effect,

Noting that the Committee on Budget and Finance took account of the decision to use the Employee Benefit Liability fund for this purpose in the reports of its resumed twenty-fourth session and of its twenty-fifth session,

Also noting the objective of the Registry of finalizing its reorganization, once it was undertaken, within the expected timeframe,

1. *Regrets* that the Registry did not seek the formal authorization of the Assembly before resorting to the Employee Benefit Liability fund and *calls for* full transparency in any future such transactions and *recalls* the rules applying for such transactions;
2. *Recalls* that in order to maintain budgetary discipline, funds should only be used for the purposes for which they were created, *notes* the recommendation of the External Auditor and of the Committee on Budget and Finance and *authorizes* the Court exceptionally to use funds from the Employee Benefit Liability fund pursuant to paragraph 3 of the resolution ICC-ASP/13/Res.6 while retaining resources to cover the judges and staff liabilities for the amount of €0.7 million for 2016;

⁴ *Ibid.*, para. 2.

⁵ ICC-ASP/14/44.

⁶ *Ibid.*

⁷ ICC-ASP/13/9.

3. *Requests* the Court to take into consideration the additional recommendation of the External Auditor in the future and to submit in a timely manner a proposal to the Committee on Budget and Finance for its consideration and recommendation to the Assembly, on the establishment of a plan for financing employee benefit liabilities.

D. Contingency Fund

The Assembly of States Parties,

Bearing in mind that the Contingency Fund was established to ensure that the Court can meet costs associated with unforeseen developments or unavoidable expenses that could not be accurately estimated at the time of the adoption of the budget,⁸

Recalling its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

Taking note of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

Further taking note that the Fund will reach a level below €7 million by the end of 2015,

1. *Decides* to maintain the Contingency Fund at the notional level of €7 million for 2016;
2. *Requests* the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the Contingency Fund.

E. Premises of the Court

The Assembly of States Parties,

1. *Welcomes* the continuous contribution of the host State to the rent of the interim premises of the Court in the amount of €805,000 for the period of 2016, according to the agreed terms and conditions;

2. *Further welcomes* the decision of the host State to provide for the years to come and free of charge conference space to the Assembly of States Parties at the World Forum Convention Centre.

F. Scale of assessment for the apportionment of expenses of the Court

The Assembly of States Parties,

1. *Decides* that for 2016, the contributions to be paid by States Parties should be provisionally assessed based on the agreed scale of assessment published in the report of the United Nations Committee on Contributions,⁹ in the absence of the approved scale for 2016, and adjusted with the principles on which the scale is based;¹⁰

2. *Further decides* that the final assessments be based on the scale adopted by the United Nations General Assembly at its 70th session for its regular budget, applied for 2016, and adjusted in accordance with the principles on which that scale is based;

3. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

⁸ Financial Regulations and Rules 6.6.

⁹ A/70/11.

¹⁰ Rome Statute of the International Criminal Court, article 117.

G. Financing of appropriations for 2016

The Assembly of States Parties,

1. *Notes* that the contributions to the interim premises by the host State and the payments corresponding to Major Programme VII-2 Permanent Premises Project – Interest, will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €136,585,100;
2. *Resolves* that for 2016, assessed contributions for the budget amounting to €136,585,100 and the amount for the Working Capital Fund of €7,405,983, approved by the Assembly under section A, paragraph 1, and section B, respectively, of the present resolution, will be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court.

H. Amendments to Financial Regulations and Rules

The Assembly of States Parties,

Having regard to the Financial Regulations and Rules¹¹ adopted at its first session on 9 September 2002, as amended,

Bearing in mind the recommendation of the Committee on Budget and Finance at its twenty-fifth session,¹²

Decides to amend Financial Regulation 9 and Rules 109.1, 109.2, 109.3 (a) as set forth in annex I to this resolution.

I. Transfer of funds between major programmes under the 2015 approved programme budget

The Assembly of States Parties,

Recognizing that under Financial Regulation 4.8 no transfer between appropriation sections may be made without authorization by the Assembly,

Decides that, in line with established practice, the Court may transfer funds between major programmes at the conclusion of 2015 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund.

J. A strategic approach to an improved budgetary process

The Assembly of States Parties,

Bearing in mind the need for the respect of the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out its duties,

1. *Calls upon* the Court to base its programmes and activities on careful, transparent and strict financial assessments, resulting in a consistent budgetary proposal;
2. *Invites* the Court to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly;
3. *Emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, *requests* the Committee on Budget and Finance to ensure that its meeting is held as early as possible

¹¹ *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.D.*

¹² ICC-ASP/14/15.

before the Assembly session and *stresses* the importance of further improving the interaction between the Court and the Committee;

4. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying duplications and promoting synergies within as well as between the different organs of the Court, *further stresses* therefore the importance of a fullest implementation of the “One-Court-principle” when establishing the proposed programme budget, beginning with the 2017 budget year. This should include improvements to the budgetary process such as:

(a) More frequent and more efficient use of the Coordination Council and other inter-organ coordination mechanisms to lower the risk of presenting overlapping proposals and create an improved process to ensure consistency of message and policy of expenditures across the Court;

(b) *Notes* the efforts of the Court to attain synergies among the different organs, *reiterates* its prior requests to the Court in this regard, *regrets* that only limited progress has been made on identifying and implementing synergies so far, *invites* the Court to strengthen the inter-organ dialogue so as to avoid duplication of work, *further invites* the Court to make more frequent and efficient use of its inter-organ coordination mechanisms in order to advance the process of identification of areas of joint optimization and *requests* the Court to present in its interim report on the matter to the twenty-sixth session of the Committee on Budget and Finance tangible and quantifiable results on synergies, including savings;

(c) *Requests* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee on Budget and Finance in both working languages of the Court;

(d) *Further requests* that the proposed programme budget should present the costs for the following year by firstly highlighting the cost of maintaining current activities, then setting out proposals for any changes to those activities and then fully costing those activities and the consequences of changing them, including what efficiencies have been identified or what can be stopped to offset any additional costs;

5. *Notes* the understanding by the Court that issues both with regard to its budgetary process and the information submitted to States Parties in relation to the 2016 proposed programme budget have led States Parties to raise concerns; *notes* the Court’s continued commitment to improve its budgetary process in light of lessons learnt so far, and *further notes* the Court’s assurances to apply these lessons in future budget processes with a view to submitting sustainable and realistic budget proposals, including by:

(a) Furthering the “One-Court-principle” by improving the way in which the Principals’ high-level strategic vision guides the budgetary process from the outset;

(b) Enhancing the dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage in the budget process, mindful of the Court’s judicial independence;

(c) Finding appropriate ways to preserve the Court’s long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties;

(d) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhance budget predictability;

6. *Requests* that the Court intensify discussions with the Committee on Budget and Finance to consider how the budgetary process as a whole will be improved, with a particular regard to the forthcoming proposed budget for 2017, and to brief States Parties on the results of these discussions; and *invites* the Committee on Budget and Finance to provide advice to the Court as required to ensure these processes are continuously reviewed and improved from now on;

7. *Requests* the Court to continue submitting its annual report on activities and programme performance and to include therein an annex with the approved budget,

expenditure and variance at the sub-programme level with all budget lines as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

8. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle;

9. *Acknowledges* the discussions conducted in the framework of the Study Group on Governance Cluster II regarding the efforts of the Court to develop qualitative and quantitative indicators that would allow the Court to demonstrate better its achievements and needs, as well as allowing States Parties to assess the Court's performance in a more strategic manner¹³ and *invites* the Court to share with the Study Group on Governance any update on the development of such indicators;¹⁴

10. *Further acknowledges* the results of the discussions conducted in the framework of the Study Group on Governance Cluster II regarding the recommendation in paragraph 44 of the report of the Committee on Budget and Finance on the work of its twenty-third session, *notes* that no consensus has been reached as to the introduction of a financial envelope and further *invites* the Bureau in consultation with the Court to continue its consideration of the recommendation, in the context of the review of the budgetary process, taking into account the Strategic Plan for 2016-2018 of the Office of the Prosecutor, the Report on the Basic Size of the Office of the Prosecutor and other relevant documents of the Court;¹⁵

11. *Takes note* of the Strategic Plan 2016-2018 submitted by the Office of the Prosecutor and *notes* that it has been fully integrated into the 2016 proposed programme budget, *requests* the Office of the Prosecutor to submit a final analysis and evaluation of the Strategic Plan for 2012-2015 to the Committee on Budget and Finance at its twenty-sixth session at its completion and further *invites* the Court to ensure an appropriate integration of the Strategic Plan of the Office of the Prosecutor into the Court-wide Strategic Plan;

12. *Welcomes* the work undertaken so far by the Office of the Prosecutor on its "Basic Size", which seeks to increase the predictability and certainty of the budgetary resources the Office considers necessary in order to carry out its mandate, *notes* that this exercise is still on-going and that additional work is still required on the budgetary implications for the Office as well as for the other organs of the Court in accordance with the "One-Court-principle", *requests* the Court to submit a full costing of the impact of the "Basic Size" model on the Office of the Prosecutor and the other organs of the Court to the Committee on Budget and Finance well in advance of its twenty-sixth session, *stresses* that the approval by the Assembly of the budget for 2016 is not to be understood as an endorsement of its budgetary implications as the budget is considered and approved by the Assembly on an annual basis;

13. *Takes note* of the ReVision process of the Registry, *notes* that the full implications of that process, including its financial implications both in the short-term and the long-term, would be the object of further clarifications to the Committee on Budget and Finance at its twenty-sixth session, *looks forward* to being duly informed about the impact ensuing from the new structure, both in terms of its capacity to absorb increases in the workload and tangible efficiencies attained and *requests* the External Auditor to conduct a full assessment of the ReVision process, including its cost, its impact and its implementation;

14. *Recalls* its past decision on legal aid, *notes* the efforts undertaken by the Court to continue to improve the legal aid system, *further notes* that the issue of level of legal aid to be provided by the Court to the accused in cases of offences against the administration of justice¹⁶ does not seem to have been considered in the context of the current legal aid policy and therefore *requests* the Court¹⁷ to consider, in the context of its assessment of the legal aid system, policy options in this regard, including the establishment of specific criteria and a quantitative ceiling, as appropriate.

¹³ ICC-ASP/14/Res.4, para. 59.

¹⁴ *Ibid.*, annex I, para. 8 (b).

¹⁵ *Ibid.*, para. 58, and annex I, para 7 (e).

¹⁶ Rome Statute of the International Criminal Court, article 70.

¹⁷ ICC-ASP/12/Res.8, annex I, para. 6 and ICC/ASP/13/Res.5, annex I, para. 5.

K. Audit

The Assembly of States Parties,

1. *Welcomes* the strengthening of the independence of the Office of Internal Audit through its placement under the direct authority of the Audit Committee;
2. *Agrees* to extend the term of the External Auditor, the *Cour des comptes*, by two years so as to include the financial statements of the Court and the Trust Fund for Victims for 2016 and 2017, and *decides* to expand the scope of that mandate by including performance audits within that scope, as this follows the best practices of international organizations.

L. Human Resources

The Assembly of States Parties,

1. *Notes* the Committee's recommendations from its twenty-fourth session for the mandatory age of separation ("retirement age") applicable to current staff members to be raised to 65 without affecting their acquired rights to separation at age 60 or 62,¹⁸ and *decides* that the mandatory age of separation be increased at the Court from 62 to 65 years, effective 1 January 2016, on the understanding that the decision will have no effect on the acquired rights of current staff;
2. *Decides* to amend the Staff Regulation 9.5 as set forth in annex II to this resolution;
3. *Requests* the Court to assure the highest standards in staff recruitment, in particular with a view to ensuring and implementing transparent and efficient recruitment procedures¹⁹ and improving equitable geographical representation and gender balance;
4. *Further requests* the Committee on Budget and Finance, including by a possible appointment of an Independent Expert to that end, to evaluate the feasibility of a possible departure from the United Nations Common System and the establishment of an alternative pension scheme for newly recruited staff and to make a recommendation to the fifteenth session of the Assembly of States Parties in this regard;
5. *Further requests* the Registrar to look for any possible reduction in the number of staff as well as consultants and further *requests* the Registrar to provide full clarity on the necessity of the staff positions foreseen in the *ReVision* exercise that are not yet filled as well as the essential staff positions exceeding those foreseen in the *ReVision* exercise;
6. *Welcomes* the commitment of the Judiciary, the Office of the Prosecutor and the Registry to ensure 100 per cent compliance with the performance appraisal system, including appropriate input from line managers, and where appropriate, judges and requests all major programmes to adopt the same objective.

M. Referrals by the Security Council

The Assembly of States Parties,

Noting with concern that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council²⁰ have been borne exclusively by States Parties,

Recalling that, pursuant to article 115 of the Rome Statute, expenses of the Court and the Assembly shall be provided, inter alia, by funds of the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council,

Mindful that, pursuant to article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, the conditions under which any funds may be

¹⁸ ICC-ASP/14/5, paras. 79 and 80.

¹⁹ Priority Objective 2.2.1 of the Strategic Plan 2013-2017 of the International Criminal Court.

²⁰ United Nations Security Council resolutions 1593 and 1970.

provided to the Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements,

Considering the request to the Registry to report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,²¹

1. *Encourages* States Parties to begin discussions on a possible way forward on this issue;
2. *Invites* the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the fifteenth session of the Assembly.

Annex I

Amendments to the Financial Regulations and Rules

Regulation 9

Investment of funds

9.1 The Registrar may make investments of moneys not needed for the investment period, such period being either up to 12 months (“short-term investments”) or up to 36 months (“medium-term investments”). The Registrar shall periodically inform the Presidency and, through the Committee on Budget and Finance, the Assembly of States Parties of such investments.

Rule 109.1

Policy

The Registrar shall ensure, including by establishing appropriate guidelines and by selecting reputable financial institutions that offer sufficient safeguards against any investment losses, that funds are invested in such a way as to place primary emphasis on excluding the risk to principal funds while ensuring the liquidity necessary to meet the Court’s cash-flow requirements. In addition to, and without detracting from, these primary criteria, investments shall be selected on the basis of achieving the highest reasonable rate of return and shall accord, to the fullest extent possible, with the independence and impartiality of the Court and with the purposes and principles of the Charter of the United Nations.

Rule 109.2

Investment ledger

Investments shall be recorded in an investment ledger, which shall show all the relevant details for each investment, including, for example, nominal value, cost of the investment, date of maturity, issuer, market value of the investment from time to time as reflected in the account statements provided by the relevant financial institution, proceeds of sale and income earned. A record of all account statements received from financial institutions relating to any investment shall be maintained.

Rule 109.3

Custody of investments

(a) All investments shall be made through, and maintained by, reputable financial institutions designated by the Registrar (see also rule 109.1).

(b) All investment transactions, including the withdrawal of invested resources, require the authorization and signature of two officials designated for that purpose by the Registrar.

9.2 Income derived from investments shall be credited to miscellaneous income or as provided in the rules relating to each trust fund or special account.

²¹ ICC-ASP/14/Res.4, annex I, para. 3 (b).

Rule 109.4**Income from investments**

- (a) Income derived from General Fund investments shall be credited to miscellaneous income.
- (b) Income derived from Working Capital Fund investments shall be credited to miscellaneous income, as provided for in regulation 6.4.
- (c) Income derived from investments pertaining to trust funds, reserve and special accounts shall be credited to the trust fund, reserve or special account concerned.
- (d) Gains from investments must be recorded by the Registrar and reported to the Auditor.

Rule 109.5**Losses**

- (a) Any investment losses must be recorded at once by the Registrar. The Registrar may authorize the writing-off of investment losses with the approval of the Committee on Budget and Finance. At its request, the Committee on Budget and Finance shall be provided with the official copies of the relevant investment ledger and all account statements received from financial institutions relating to such investment. A detailed statement of investment losses shall be provided to the Presidency, to the Assembly of States Parties through the Committee on Budget and Finance, and to the Auditor.
- (b) Investment losses shall be borne by the trust fund, reserve or special account from which the principal amounts were obtained. (See also rule 110.10 with respect to the writing-off of losses of cash and receivables.)

Annex II**Amendment to Staff Regulation 9.5**

“Staff members shall not be retained in active service beyond the age specified in the Regulations of the United Nations Joint Staff Pension Fund as the normal age of retirement. However, staff members whose normal age of retirement is sixty or sixty-two may be retained in active service until the age of sixty-five. The Registrar or the Prosecutor, as appropriate, may, in the interest of the Court, extend these age limits in exceptional cases.”¹

¹ ICC-ASP/14/7, para. 79.

Resolution ICC-ASP/14/Res.2

Adopted at the 11th plenary meeting, on 26 November 2015, by consensus

ICC-ASP/14/Res.2 Resolution on article 124

The Assembly of States Parties to the Rome Statute,

Recalling that pursuant to the Rome Statute, article 124 shall be reviewed at the Review Conference convened in accordance with article 123, paragraph 1, and *recalling* the decision of the 2010 Review Conference of the Rome Statute, held in Kampala, Uganda, to retain article 124 and to further review its provisions during the fourteenth session of the Assembly,¹

Noting that at its thirteenth session the Assembly decided to review the provisions of article 124 of the Rome Statute in the context of its Working Group on Amendments of the Assembly of States Parties,²

Further noting the recommendation of the Working Group on Amendments to delete article 124,³

Having reviewed the provisions of article 124 in accordance with the Rome Statute and *acting* pursuant to article 121 of the Rome Statute,

1. *Adopts* the amendment to article 124 of the Rome Statute contained in the annex to the present resolution;
2. *Recalls* that the amendment shall be subject to ratification or acceptance and shall enter into force in accordance with article 121 (4) of the Rome Statute;
3. *Calls upon* all States Parties to ratify or accept the amendment to article 124;
4. *Urges* all States that have not done so to ratify or accede to the Rome Statute, and in doing so to also ratify or accept the amendment to article 124.

Annex

Amendment to article 124 of the Rome Statute

Article 124 of the Rome Statute is deleted.

¹ *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.4.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Thirteenth session, New York, 8 - 17 December 2014* (ICC-ASP/13/20), vol. I, part III, ICC-ASP/13/Res.5, annex I, para 15(b).

³ ICC-ASP/14/34.

Resolution ICC-ASP/14/Res.3

Adopted at the 12th plenary meeting, on 26 November 2015, by consensus

ICC-ASP/14/Res.3 Resolution on cooperation

The Assembly of States Parties,

Recalling the provisions of the Rome Statute, the Declaration on Cooperation (RC/Dec.2) agreed by States Parties at the Review Conference in Kampala and previous resolutions and declarations of the Assembly of States Parties with regard to cooperation, including ICC-ASP/8/Res.2, ICC-ASP/9/Res.3, ICC-ASP/10/Res.2, ICC-ASP/11/Res.5, ICC-ASP/12/Res.3, ICC-ASP/13/Res.3, and the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2,

Determined to put an end to impunity by holding to account the perpetrators of the most serious crimes of concern to the international community as a whole, and *reaffirming* that the effective and expeditious prosecution of such crimes must be strengthened, inter alia, by enhancing international cooperation,

Stressing the importance of effective and comprehensive cooperation and assistance by States Parties, other States, and international and regional organizations, to enable the Court to fulfil its mandate as set out in the Rome Statute and that States Parties have a general obligation to cooperate fully with the Court in its investigation and prosecution of crimes within its jurisdiction, including with regard to the execution of arrest warrants and surrender requests, as well as other forms of cooperation set out in article 93 of the Rome Statute,

Welcoming the report of the Court on cooperation, submitted pursuant to paragraph 27 of resolution ICC-ASP/13/Res.3,

Noting that contacts with persons in respect of whom an arrest warrant issued by the Court is outstanding should be avoided when such contacts undermine the objectives of the Rome Statute,

Further noting the arrest guidelines issued by the Office of the Prosecutor for the consideration of States, including inter alia, the elimination of non-essential contacts with individuals subject to an arrest warrant issued by the Court and that, when contacts are necessary, an attempt is first made to interact with individuals not subject to an arrest warrant,

Noting the redrafted and redistributed guidelines setting out the policy of the United Nations Secretariat on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses issued by the Court, as annexed to a letter dated 3 April 2013 by the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council,

Recognizing that requests for cooperation and the implementation thereof should take into account the rights of the accused,

Welcoming the memorandum of understanding concluded between the Court and UNODC aimed at increasing the capacity of States receiving witnesses and victims of the Court for protection purposes, *recalling* the memorandum of understanding concluded last year between the Court and UNODC on strengthening the capacity of States to enforce sentences, and *commending* international organizations' support for strengthening cooperation in the area of voluntary agreements,

Recalling the pledges relating to cooperation made by States Parties at the Review Conference in Kampala and *noting* the importance of ensuring adequate follow-up with regard to the implementation of pledges,

1. *Emphasizes* the importance of timely and effective cooperation and assistance from States Parties and other States under an obligation or encouraged to cooperate fully with the Court pursuant to Part 9 of the Rome Statute or a United Nations Security Council

resolution, as the failure to provide such cooperation in the context of judicial proceedings affects the efficiency of the Court and *stresses* that the non-execution of cooperation requests has a negative impact on the ability of the Court to execute its mandate, in particular when it concerns the arrest and surrender of individuals subject to arrest warrants;

2. *Expresses* serious concerns that arrest warrants or surrender requests against 13 persons remain outstanding,¹ and *urges* States to cooperate fully in accordance with their obligation to arrest and surrender to the Court;

3. *Reaffirms* that concrete steps and measures to securing arrests need to be considered in a structured and systematic manner, based on the experience developed in national systems, the international ad hoc and mixed tribunals, as well as by the Court;

4. *Takes note* of the report on arrest strategies by the Rapporteur² and *takes note* of the draft Action Plan on Arrest Strategies, *urges* the Bureau to continue consideration of the recommendations of the draft Action Plan on Arrest Strategies with a view to its adoption, and to report thereon to the fifteenth session of the Assembly;

5. *Urges* States Parties to avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party, *welcomes* the efforts of States and international and regional organizations in this regard, and *acknowledges* that States Parties may, on a voluntary basis, advise the ICC of their own contacts with persons subject to a warrant of arrest made as a result of such an assessment;

6. *Welcomes* the continued efforts of the President of the Assembly in implementing the non-cooperation procedures adopted by the Assembly in resolution ICC-ASP/10/Res.5, and *encourages* the Assembly to keep said procedures and their implementation under review in order to secure their effectiveness, including with regard to ensuring early notification to States Parties of opportunities to work together to avoid non-cooperation;

7. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, in particular through implementing legislation and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such legislative and other measures so as to ensure that they can fully meet their obligations under the Rome Statute;

8. *Acknowledges* efforts by States, by civil society organizations and by the Court, including through the Legal Tools Project, to facilitate exchange of information and experiences, with a view to raising awareness and facilitating the drafting of national implementing legislation;

9. *Encourages* States to establish a national focal point and/or a national central authority or working group tasked with the coordination and mainstreaming of Court related issues, including requests for assistance, within and across government institutions, as part of efforts aimed at making national procedures for cooperation more efficient, where appropriate;

10. *Welcomes* the report to the thirteenth session of the Assembly on the feasibility study of establishing a coordinating mechanism of national authorities and *invites* the Bureau, through its working groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities, taking into consideration the study in annex II of the report of the Bureau on cooperation to the thirteenth session³ and to report to the Assembly well in advance of the sixteenth session;

11. *Emphasizes* also the on-going efforts made by the Court in providing focused requests for cooperation and assistance which contribute to enhancing the capacity of States Parties and other States to respond expeditiously to requests from the Court, and *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance;

12. *Recognizes* that effective and expeditious cooperation with regard to the Court's requests for the identification, tracing and freezing or seizure of proceeds, property and

¹ As at 21 August 2015.

² ICC-ASP/14/26/Add.1, appendix.

³ ICC-ASP/13/29.

assets, can be of value to provide for reparation to victims and address the costs of legal aid;

13. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible; and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitate cooperation between the Court, States Parties, other States and international organizations;

14. *Urges* States Parties to cooperate with requests of the Court made in the interest of Defence teams, in order to ensure the fairness of proceedings before the Court;

15. *Calls upon* States Parties as well as non-States Parties that have not yet done so to become parties to the Agreement on Privileges and Immunities of the International Criminal Court as a matter of priority, and to incorporate it in their national legislation, as appropriate;

16. *Acknowledges* the importance of protective measures for victims and witnesses for the execution of the Court's mandate, *welcomes* the relocation agreements concluded with the Court in 2015, and *stresses* the need for more such agreements or arrangements with the Court for the expeditious relocation of witnesses;

17. *Calls upon* all States Parties and other States, to consider strengthening their cooperation with the Court by entering into agreements or arrangements with the Court, or any other means concerning, inter alia, protective measures for victims and witnesses, their families and others who are at risk on account of testimony given by witnesses;

18. *Acknowledges* that, when relocation of witnesses and their families proves necessary, due account should be given to finding solutions that, while fulfilling the strict safety requirements, also minimize the humanitarian costs of geographical distance and change of linguistic and cultural environment and *urges* all States Parties to consider making voluntary contributions to the Special Fund for Relocations;

19. *Commends* and *further encourages* the work of the Court on framework agreements or arrangements, or any other means in areas such as interim release, final release - also in cases of acquittal - and sentence enforcement which may be essential to ensuring the rights of suspects and accused persons, in accordance with Rome Statute and guaranteeing the rights of convicted persons and *urges* all States Parties to consider strengthening cooperation in these areas;

20. *Recalls* the conclusion last year of the first voluntary agreement between the Court and a State Party on interim release and *requests* the Bureau, through its Working Groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its fifteenth session;

21. *Welcomes* the increased cooperation between the Court and the United Nations, and other international and regional organizations, and other inter-governmental institutions;

22. *Emphasizes* the importance of States Parties enhancing and mainstreaming diplomatic, political and other forms of support for, as well as promoting greater awareness and understanding of the activities of the Court at the international level, and *encourages* States Parties to use their capacity as members of international and regional organizations to that end;

23. *Urges* States Parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council refers situations to the Court, ensuring diplomatic and financial support; cooperation by all United Nations Member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions;

24. *Welcomes* the exchange of information on the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007⁴ as a first step in the reviewing process of the 66 recommendations, *takes note* of the flyer prepared by the Court that can be used by all stakeholders to promote the 66 recommendations and increase their understanding and implementation by relevant national actors and the Court, and, *requests* the Bureau, through its Working Groups, to continue its review of the implementation of the 66 recommendations, in close cooperation with the Court, where appropriate;

25. *Welcomes* the organization by the Court, with the support of States Parties and international and regional organizations, of seminars on cooperation, and *encourages* all stakeholders, including civil society organizations, to continue organizing events that allow for exchange of information with the purpose of enhancing cooperation and constructively seeking solutions to identified challenges;

26. *Welcomes* the enhanced dialogue between States Parties, the Court and civil society offered by the plenary discussion on cooperation held during the fourteenth session of the Assembly, with a special focus on voluntary cooperation by means of voluntary cooperation agreements, and *mindful of* the importance of full and effective functioning of the Court, *notes with appreciation* the fruitful exchange of views on the necessity of voluntary forms of cooperation and the challenges faced by the Court, in particular in the areas of witness relocation and execution of sentences, as well as on national experiences in this regard;

27. *Requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;

28. *Recognizing* the importance of the Court's contribution to the Assembly's efforts to enhance cooperation, *requests* the Court to submit an updated report on cooperation to the Assembly at its fifteenth session and annually thereafter.

⁴ Resolution ICC-ASP/6/Res.2, annex II.

Resolution ICC-ASP/14/Res.4

Adopted at the 12th plenary meeting, on 26 November 2015, by consensus

ICC-ASP/14/Res.4

Strengthening the International Criminal Court and the Assembly of States Parties

The Assembly of States Parties,

Mindful that each individual State has the responsibility to protect its population from the crime of genocide, war crimes, and crimes against humanity, that the conscience of humanity continues to be deeply shocked by unimaginable atrocities in various parts of the world, and that the need to prevent the most serious crimes of concern to the international community and to put an end to the impunity of the perpetrators of such crimes is now widely acknowledged,

Convinced that the International Criminal Court (“the Court”) is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law, as well as to the prevention of armed conflicts, the preservation of peace and the strengthening of international security and the advancement of post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, in accordance with the purposes and principles of the Charter of the United Nations,

Convinced also that justice and peace are complementary and mutually reinforce each other,

Convinced further that justice and the fight against impunity and holding to account the perpetrators of the most serious crimes of concern to the international community and persons criminally responsible under the Statute are, and must remain, indivisible and that in this regard universal adherence to the Rome Statute of the International Criminal Court is essential,

Welcoming the Court's central role as the only permanent international criminal court within an evolving system of international criminal justice and the contribution of the Court to guarantee lasting respect for and the enforcement of international justice,

Noting the primary responsibility of national jurisdictions to prosecute the most serious crimes of international concern and the increased need for cooperation in ensuring that national legal systems are capable of prosecuting such crimes,

Reaffirming its commitment to the Rome Statute of the International Criminal Court and its determination that the most serious crimes of concern to the international community as a whole must not go unpunished, and *underlining* the importance of the willingness and ability of States to genuinely investigate and prosecute such crimes,

Welcoming the efforts and achievements of the Court in bringing those most responsible for the crimes under the Rome Statute to justice and thus to contribute to the prevention of such crimes and *noting* the jurisprudence of the Court on the issue of complementarity,

Recalling that the application of articles 17 and 19 of the Rome Statute concerning the admissibility of cases before the Court is a judicial matter to be determined by the judges of the Court,

Recalling also that greater consideration should be given to how the Court will complete its activities in a situation country and that possible completion strategies could provide guidance on how a situation country can be assisted in carrying on national proceedings when the Court completes its activities in a given situation,

Recognizing that crimes within the jurisdiction of the Court threaten the peace, security and well-being of the world,

Underscoring its respect for the judicial independence of the Court and its commitment to ensuring respect for and the implementation of the Court's judicial decisions,

Taking note with appreciation of the annual United Nations General Assembly resolutions concerning the Court,

Welcoming the statement by the President of the Security Council of 12 February 2013 in which the Council stated its intention to continue fighting impunity, reiterated its previous call regarding the importance of State cooperation with the Court in accordance with the respective obligations of States and expressed its commitment to effective follow-up of Council decisions in this regard,

Deeply concerned by the ongoing lack of effective follow up by the Security Council to its resolutions referring situations to the Court and its consequences, despite efforts by States Parties,

Recalling the full range of justice and reconciliation mechanisms with restorative measures that are complementary to criminal justice processes, including truth and reconciliation commissions, national reparation programmes and institutional and legal reforms, including guarantees of non-recurrence,

Recalling also the success of the first Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010,

Recalling further the decision by the Assembly of States Parties ("the Assembly") to establish a representation of the Court at the African Union Headquarters in Addis Ababa, and *reiterating* that such presence would promote dialogue with the Court and the understanding of its mission within the African Union and among African States, individually and collectively,

Appreciating the invaluable assistance that has been provided by civil society to the Court,

Emphasizing the importance of equitable geographical representation and gender balance in the organs of the Court, and, as appropriate, in the work of the Assembly and its subsidiary bodies,

Mindful of the need to encourage the full participation of States Parties, Observers and States not having observer status in the sessions of the Assembly and to ensure the broadest visibility of the Court and the Assembly,

Recognizing that victims' rights to equal and effective access to justice, protection and support; adequate and prompt reparation for harm suffered; and access to relevant information concerning violations and redress mechanisms are essential components of justice, *emphasizing* the importance of effective outreach to victims and affected communities in order to give effect to the unique mandate of the Court towards victims, and *determined* to ensure the effective implementation of victims' rights, which constitute a cornerstone of the Rome Statute system,

Conscious of the vital role of field operations in the Court's work in situation countries and the importance of stakeholders working together to create suitable conditions for field operations,

Conscious also of the risks faced by personnel of the Court in the field,

Recalling that the Court acts within the constraints of an annual programme budget approved by the Assembly,

A. Universality of the Rome Statute

1. *Welcomes* the State that has become a Party to the Rome Statute of the International Criminal Court since the thirteenth session of the Assembly, *invites* States not yet parties to the Rome Statute of the International Criminal Court, to become parties to the Rome Statute, as amended, as soon as possible, and *calls upon* all States Parties to intensify their efforts to promote universality;

2. *Calls upon* all international and regional organizations as well as civil society to intensify their efforts to promote universality;
3. *Decides* to keep the status of ratifications under review and to monitor developments in the field of implementing legislation, inter alia with a view to facilitating the provision of technical assistance that States Parties to the Rome Statute, or States wishing to become parties thereto, may wish to request from other States Parties or institutions in relevant areas;
4. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of criminal law, criminal procedural law and international cooperation and judicial assistance with the Court and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority and *encourages* the adoption of victims-related provisions, as appropriate;
5. *Welcomes* the report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute,¹ *notes with appreciation* the efforts of the Court's President, the Office of the Prosecutor, the President of the Assembly of States Parties, the Assembly of States Parties, States Parties, and of civil society to enhance the effectiveness of universality-related efforts and to encourage States to become parties to the Rome Statute, as amended, and to the Agreement on Privileges and Immunities, as well as relevant efforts undertaken in the framework of the Universal Periodic Review of the Human Rights Council;

B. Agreement on Privileges and Immunities

6. *Welcomes* the States Parties that have become a Party to the Agreement on the Privileges and Immunities of the International Criminal Court and *recalls* that the Agreement and international practice exempt salaries, emoluments and allowances paid by the Court to its officials and staff from national taxation, and in this regard *calls upon* States Parties, as well as non-States Parties, that have not yet done so to become parties to this Agreement as a matter of priority and to take the necessary legislative or other action, pending their ratification or accession, to exempt their nationals employed by the Court from national income taxation with respect to salaries, emoluments and allowances paid to them by the Court, or to grant relief in any other manner from income taxation in respect of such payments to their nationals;
7. *Reiterates* the obligations of States Parties to respect on their territories such privileges and immunities of the Court as are necessary for the fulfilment of its purposes and *appeals* to all States which are not party to the Agreement on the Privileges and Immunities of the International Criminal Court in which the Court's property and assets are located or through which such property and assets are transported, to protect the property and assets of the Court from search, seizure, requisition and any other form of interference;

C. Cooperation

8. *Refers* to its resolution ICC-ASP/14/Res.3 on cooperation;
9. *Calls upon* States Parties to comply with their obligations under the Rome Statute, in particular the obligation to cooperate in accordance with Part 9, and *also calls upon* States Parties to ensure full and effective cooperation with the Court in accordance with the Rome Statute, in particular in the areas of implementing constitutional and legislative framework, enforcement of Court decisions and execution of arrest warrants;
10. *Further calls upon* States Parties to continue to express their political and diplomatic support to the Court, *recalls* the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2 and *encourages* States Parties and the Court to consider further measures to enhance their implementation and to strengthen their efforts to ensure full and effective cooperation with the Court;

¹ ICC-ASP/14/31.

11. *Takes note* of the report on arrest strategies by the Rapporteur² and *takes note* of the draft Action Plan on Arrest Strategies;
12. *Recalls* the conclusion last year of the first voluntary agreement between the Court and a State Party on interim release;
13. *Welcomes* the enhanced dialogue between States Parties, the Court and civil society offered by the plenary discussion on cooperation held during the fourteenth session of the Assembly, with a special focus on voluntary cooperation by means of voluntary cooperation agreements, and *mindful of* the importance of full and effective functioning of the Court, *notes with appreciation* the fruitful exchange of views on the necessity of voluntary forms of cooperation and the challenges faced by the Court, in particular in the areas of witness relocation and execution of sentences, as well as on national experiences in this regard;
14. *Welcomes* the memorandum of understanding between the Court and the United Nations Office on Drugs and Crime to strengthen the capacity of States in the area of witness protection;
15. *Recalls* the non-cooperation procedures adopted by the Assembly in ICC-ASP/10/Res.5, *recognizes with concern* the negative impact that the non-execution of Court requests continues to have on the ability of the Court to execute its mandate, *takes note* of the decisions of the Court conveyed to the Assembly to date and of the report of the Bureau on non-cooperation,³ *welcomes* the efforts of the President of the Assembly in implementing the procedures on non-cooperation during his tenure and *recalls* that the President serves ex officio as focal point for his or her region,⁴ *calls upon* all stakeholders, at all levels, to continue assisting the President of the Assembly, including when accomplishing his task with the support of the regional focal points for non-cooperation, and *encourages* all States Parties to cooperate towards a successful outcome of the review of the non-cooperation procedures;⁵
16. *Recalls* the role of the Assembly of States Parties and the Security Council with respect to non-cooperation as provided for by articles 87, paragraph 5, and 87, paragraph 7, of the Rome Statute, *welcomes* the efforts of States Parties to strengthen the relationship between the Court and the Council, *calls upon* States Parties to continue their efforts to ensure that the Security Council addresses the communications received from the Court on non-cooperation pursuant to the Rome Statute, *encourages* the President of the Assembly and the Bureau to continue consulting with the Security Council and *also encourages* both the Assembly and the Security Council to strengthen their mutual engagement on this matter;
17. *Noting* the orders of the Pre-Trial Chamber to the Registrar concerning action to be taken in case of information relating to travel of suspects,⁶ *urges* States to share with the focal points on non-cooperation any information concerning potential or confirmed travel of persons against whom an arrest warrant has been issued;

D. Host State

18. *Recognizes* the importance of the relationship between the Court and the host State in accordance with the terms of the Headquarters agreement and *notes with appreciation*

² ICC-ASP/14/26/Add.1, appendix.

³ ICC-ASP/14/38.

⁴ ICC-ASP/11/29, para. 12.

⁵ As initiated by the focal points on non-cooperation on the basis of the mandate contained in resolution ICC-ASP/13/Res.5, annex I, para. 2(g).

⁶ Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects", ICC-01/04-635 (Situation in the DRC); ICC-02/04-211 (Situation in Uganda); ICC-01/05-83 (Situation in the Central African Republic); ICC-02/05-247 (Situation in Darfur); ICC-01/09-151 (situation in Kenya), PTC-I, ICC-01/11-46 (Situation in Libya); ICC-02/11-47 (Situation in Cote d'Ivoire); ICC-01/12-25 (Situation in Mali); ICC-01/13-16 (Situation regarding the registered vessels of the Comoros, Hellenic Republic and the Kingdom of Cambodia vessels); ICC-01/14-6 (Situation in the Central African Republic II); ICC-02/05-01/09-235-Corr (Al-Bashir case); ICC-02/05-01/07-71 (Harun and Kushayb case); ICC-01/11-01/11-589 (Saif al Islam case); and ICC-02/05-01/12-31 (Hussain case).

the ongoing commitment of the host State to the Court with a view to its more efficient functioning;

E. Relationship with the United Nations

19. *Recognizes* the need for enhancing the institutional dialogue with the United Nations, including on Security Council referrals;

20. *Also recognizes* the Security Council's call regarding the importance of State cooperation with the Court and *encourages* further strengthening of the Security Council's relationship with the Court by:

(a) providing effective follow up of situations referred by the Council to the Court and ongoing political support;

(b) continued support for the work of the Court through cooperation and assistance by peacekeeping and special political missions mandated by the Council, including by considering extending best practices with respect to the drafting of mandates of peacekeeping operations while respecting their basic principles, and increased cooperation between Sanctions Committees and the Court;

(c) considering mandating peacekeeping and special political missions to contribute, where appropriate, to the strengthening of national justice systems through training, outreach and other forms of assistance;

(d) enhanced engagement by the Council with Court representatives and on matters related to the Court in various formats; and

(e) institutionalizing Council cooperation with and support for the Court in this regard;

21. *Recalls* the report of the Court on the status of ongoing cooperation with the United Nations, including in the field;⁷

22. *Encourages* all United Nations Offices, funds and programmes to strengthen their cooperation with the Court, and to collaborate effectively with the Office of Legal Affairs as focal point for cooperation between the United Nations system and the Court;

23. *Commends* the important work of the New York Liaison Office of the Court, *reiterates* its full support for the Office and *stresses* the importance of the continued and further strengthening of the implementation of its functions in accordance with ICC-ASP/4/6, paragraphs 2, 3 and 4;

24. *Welcomes* that States Parties have been informed throughout 2015 on Court-related developments at the United Nations and in particular at the Security Council, notably through regular briefings provided by the designated State Party member of the Security Council, and *calls upon* Bureau members and other States Parties to continue providing States Parties with information about their efforts at the United Nations and in any other international or regional fora to promote the fight against impunity;

25. *Welcomes* the presentation of the annual report of the Court to the General Assembly of the United Nations⁸ and in particular its increased focus on the relationship between the Court and the United Nations, *also welcomes* the adoption of resolution A/RES/69/279 by the General Assembly and *encourages* States Parties to continue their constructive engagement with United Nations Member States to further strengthen this resolution;

26. *Notes with concern* that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council have been borne exclusively by States Parties, and *urges* States Parties to begin discussions on a possible way forward on this issue, including the implementation of article 115, paragraph (b), of the Rome Statute also taking into account that article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations states that the conditions under which any funds may be provided to the

⁷ ICC-ASP/12/42.

⁸ United Nations document A/70/350.

Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements;

27. *Encourages* the Court to further engage with the relevant Sanctions Committees of the United Nations Security Council with a view to improving their cooperation and achieving better coordination on matters pertaining to areas of mutual concern;

28. *Notes* that all cooperation received by the Court from the United Nations is provided strictly on a reimbursable basis;

F. Relationships with other international organizations and bodies

29. *Welcomes* the efforts undertaken by various regional and other international organizations to support the Court in the fulfilment of its mandate;

30. *Recalls* the memoranda of understanding and agreements on cooperation concluded by the Court with the European Union, the Asian-African Legal Consultative Organization, the Organization of American States, the Commonwealth, the Organisation internationale de la Francophonie, and the Parliament of the MERCOSUR, Common Market of the South;

31. *Emphasizes* the need to pursue efforts aimed at intensifying dialogue with the African Union and to strengthen the relationship between the Court and the African Union and *commits* to the Court's further regular engagement in Addis Ababa with the African Union and diplomatic missions in anticipation of establishing its liaison office; *recognizes* the engagement of the President of the Assembly with officials of the African Union in Addis Ababa and *calls upon* all relevant stakeholders to support strengthening the relationship between the Court and the African Union;

32. *Recalls* the contribution that the International Humanitarian Fact-finding Commission, established by article 90 of the Additional Protocol I to the 1949 Geneva Convention, could make in ascertaining facts related to alleged violations of international humanitarian law and facilitating, where appropriate, the prosecution of war crimes, both at the national level and before the Court;

G. Activities of the Court

33. *Takes note* of the latest report on the activities of the Court to the Assembly;⁹

34. *Notes with satisfaction* the fact that owing, not least, to the dedication of its staff, considerable progress continues to be made in the Court's activities including its preliminary examinations, investigations and judicial proceedings in various situations which either States Parties or the United Nations Security Council¹⁰ referred to the Court or which the Prosecutor initiated *proprio motu*;

35. *Recalls* its invitation to the Court to continue to take note of best practices of other relevant international and national organizations and tribunals, including those gained by national institutions that have already investigated and prosecuted crimes that fall within the Court's jurisdiction, in solving challenges similar to those encountered by the Court, while reiterating its respect for the independence of the Court, and in this regard welcomes the fact that the Court hosted a second two-day International Tribunals' Developed Practices Workshop at its premises;

36. *Notes with appreciation* the efforts undertaken by the Office of the Prosecutor to achieve the efficiency and transparency of its preliminary examinations, investigations and prosecutions;

37. *Welcomes* the ongoing implementation of the Policy Paper on Sexual and Gender-Based Crimes released by the Office of the Prosecutor in June 2014 and *stresses* the importance of the effective investigation and prosecution of sexual and gender-based crimes by the Court and by national courts, in order to end impunity for perpetrators of sexual violence crimes and *calls upon* States Parties to consider the Policy Paper to

⁹ ICC-ASP/14/29.

¹⁰ United Nations Security Council resolution 1593 (2005) and 1970 (2011).

strengthen the investigation and prosecution of sexual and gender-based crimes domestically;

38. *Also welcomes* the efforts undertaken by the Court to implement the One-Court principle, and to coordinate its activities among its organs at all levels, including through the implementation of measures to increase clarity on the responsibility of different organs, while respecting the independence of the judges and the Prosecutor and the neutrality of the Registry, and *encourages* the Court to undertake all necessary efforts to fully implement the One-Court principle, inter alia with a view to ensuring full transparency, good governance, efficient use of financial resources and sound management;

39. *Notes with appreciation* the efforts undertaken by the Registrar, including through the implementation of the Registry's revised structure, to mitigate the risks faced by the Court in relation to its field offices and to enhance the Court's field operations with a view to increasing their efficiency and visibility and *encourages* the Court to continue to optimize its field offices in order to ensure the Court's continued relevance and impact in States in which it carries out its work;

40. *Recognizes* the important work done by the field-based staff of the Court in difficult and complex environments and *expresses its appreciation* for their dedication to the mission of the Court;

H. Elections

41. *Emphasizes* the importance of nominating and electing the most highly qualified judges in accordance with article 36 of the Rome Statute, and for this purpose *encourages* States Parties to conduct thorough and transparent processes to identify the best candidates;

42. *Stresses* the importance of elected judges who have made their solemn undertaking being available to take up their full-time service when the Court's workload so requires;

43. *Decides* to adopt the amendment to the procedure for the nomination and election of judges¹¹ contained in annex II to the present resolution;

44. *Also decides* to continue to review the procedure for the nomination and election of judges as set forth in resolution ICC-ASP/3/Res.6, as amended, including by the present resolution, on the occasion of future elections with a view to making any improvements as may be necessary, taking into account the work conducted so far as reflected in the facilitator's discussion paper;¹²

45. *Takes note* of the report of the Working Group of the Bureau on the Advisory Committee on Nominations,¹³ and *welcomes* the appointment of the nine members of the Advisory Committee as recommended by the Working Group;

46. *Decides* to adopt the amendment to the resolution on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims,¹⁴ contained in annex III to the present resolution;

I. Secretariat of the Assembly of States Parties

47. *Recognizes* the important work done by the Secretariat of the Assembly of States Parties ("the Secretariat"), *reiterates* that the relations between the Secretariat and the different organs of the Court shall be governed by principles of cooperation and of sharing and pooling of resources and services, as set out in the annex to resolution ICC-ASP/2/Res.3, and *welcomes* the fact that the Director of the Secretariat participates in the meetings of the Coordination Council when matters of mutual concern are considered;

¹¹ *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.6.

¹² ICC-ASP/14/41, section IV.

¹³ ICC-ASP/14/42.

¹⁴ Resolution ICC-ASP/1/Res.6, as amended by resolution ICC-ASP/4/Res.5.

J. Counsel

48. *Notes* the important work of independent representative bodies of counsel or legal associations, including any international legal association relevant to rule 20, sub-rule 3, of the Rules of Procedure and Evidence;

49. *Also notes* the recent ongoing efforts of the legal profession, in consultation with the Court, to establish an independent representative body of counsel in accordance with rule 20, sub-rule 3, of the Rules of Procedure and Evidence with a view to ensuring the effective representation of the general interests of counsel accredited to practise before the Court, upholding their professional standards of conduct and reinforcing the independence of the legal profession before the Court;

50. *Further notes* the need to improve gender balance and equitable geographical representation on the list of counsel, and thus *continues to encourage* applications to the list of counsel established as required under rule 21(2) of the Rules of Procedure and Evidence with a particular view to ensuring equitable geographical representation and gender balance, as well as legal expertise on specific issues such as violence against women or children, as appropriate;

K. Legal aid

51. *Acknowledges* the Court's efforts to continue implementing the legal aid remuneration policy and *stresses* the need for continuous monitoring of the efficiency of the legal aid system to uphold and strengthen the principles of the legal aid system, namely fair trial, objectivity, transparency, economy, continuity and flexibility;¹⁵

L. Study Group on Governance

52. *Welcomes* the continued 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;

53. *Takes note* of the Bureau's report on the Study Group of Governance;¹⁶

54. *Extends* for another year the mandate of the Study Group, provided in resolution ICC-ASP/9/Res.2 and extended in resolutions ICC-ASP/10/Res.5, ICC-ASP/11/Res.8, ICC-ASP/12/Res.8 and ICC-ASP/13/Res.5;

55. *Welcomes* the Judges' Working Group on Lessons Learnt Report on Cluster D(1): Applications for Victim Participation, and *encourages* the judges to continue their work on this issue in 2016;

56. *Welcomes* the Judges' Working Group on Lessons Learnt Progress Report on Clusters A, B, C and E, including the Pre-Trial Practice Manual, and *encourages* the judges to continue their work on these issues in 2016;

57. *Calls upon* States Parties to continue considering amendment proposals by the Working Group on Lessons Learnt;

58. *Welcomes* the discussions held regarding the recommendation in paragraph 44 of the report of the Committee on Budget and Finance on the work of its twenty-third session,¹⁷ and *notes* that no consensus has been reached as to the introduction of a financial envelope;

59. *Welcomes* the efforts of the Court to develop qualitative and quantitative indicators that would allow the Court to demonstrate better its achievements and needs, as well as allowing States Parties to assess the Court's performance in a more strategic manner;

¹⁵ ICC-ASP/3/16, para. 16.

¹⁶ ICC-ASP/14/30.

¹⁷ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2.

M. Proceedings of the Court

60. *Emphasizes* that the effectiveness of proceedings of the Court is essential to the rights of victims and those of the accused, the credibility and authority of the institution as well as the best possible use of its resources;

61. *Welcomes* the Court's efforts to enhance the efficiency and effectiveness of proceedings, as well as the efforts on the part of States Parties and civil society in this regard;

62. *Also welcomes* the focused dialogue between States Parties, the Court and civil society held in the plenary discussion on efficiency and effectiveness of Court proceedings during the fourteenth session of the Assembly, *mindful* of the importance of continued dialogue on this matter, and *noting* the shared responsibility of the Court and States Parties in this regard;

N. Working methods review

63. *Recognizes* the benefits of rationalizing the working methods of the subsidiary bodies of the Bureau and the Assembly in order to cope with an increasing workload;

64. *Welcomes* the steps already undertaken by the Bureau for the improvement of the working methods;

65. *Decides* to further improve the working methods of the Bureau and the governance of the Assembly, and to that effect:

(a) *reiterates* the need to fully implement the general roadmap for facilitations adopted at the thirteenth session of the Assembly;¹⁸

(b) *welcomes* the holding of Bureau meetings both in New York and in The Hague;

(c) *acknowledges* the importance of ensuring that the agenda of the Assembly allows sufficient time for substantive discussions;

(d) *recognizes* the importance of exchange of information as well as mutual consultations between the New York Working Group and The Hague Working Group on matters of joint concern with a view to enhancing efficiency while avoiding duplication of efforts; and

(e) *encourages* all States Parties to use the Extranet designed for the work of the subsidiary bodies of the Bureau and the Assembly containing all necessary documentation on the work in progress;

66. *Recalling* the representative geographical character of the Bureau, *encourages* Bureau members to strengthen their communication with States Parties of their respective regional group to inform the discussion of the Bureau, including by establishing appropriate mechanisms for providing regular updates on the work of the Bureau;

O. Strategic planning

67. *Notes* that the Court's Strategic Plan, that of the Office of the Prosecutor and other strategic plans are reviewed and updated on a regular basis and *welcomes* that, also in light of organ-specific improvement projects and the move to the Permanent Premises, a new system of a Court-wide Strategic Plan alongside organ-specific plans will be elaborated in 2016;

68. *Emphasizes* the need for the Court to continue to improve and adapt outreach activities with a view to further developing and implementing effectively and efficiently the Strategic Plan for Outreach¹⁹ in affected countries, including, where appropriate, by early

¹⁸ ICC-ASP/13/Res.5, annex IV- General Roadmap for facilitations.

¹⁹ ICC-ASP/5/12.

outreach from the outset of the Court's involvement, including during the preliminary examination stage;

69. *Recalls* that the issues of public information and communication about the Court and its activities constitute a shared responsibility of the Court and States Parties, while *acknowledging* the significant contribution of other stakeholders to developing a coordinated and comprehensive approach;

70. *Welcomes* the initiatives undertaken to celebrate 17 July as Day of International Criminal Justice²⁰ and *recommends* that, on the basis of lessons learnt, all relevant stakeholders, together with the Court, continue to engage in preparation of the annual celebrations with a view to reinforcing the international fight against impunity;

71. *Takes note* of the Court's interim update of its Strategic Plan for 2013-2017, and *welcomes* the Court's intention to continue to adapt its Plan, as appropriate, on an annual basis, including for the purpose of the formulation of the budget assumptions and to inform the Bureau thereon with a view to further strengthening the budgetary process;

72. *Takes note* of the presentation by the Office of the Prosecutor of its Strategic Plan for 2016-2018;

73. *Notes* the conclusion of the *ReVision* process which has led to a significant reorganization of the Registry's structure, processes and working methods, and *looks forward* to being duly informed about the impact ensuing from the new structure, both in terms of its capacity to absorb increases in the workload and tangible efficiencies attained;

74. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;

P. Victims and affected communities, reparations and Trust Fund for Victims

75. *Refers* to its resolution ICC-ASP/13/Res.4 on victims and affected communities, reparations and Trust Fund for Victims;

76. *Reiterates* that victims' right to present and have considered their views and concerns at stages of the proceedings determined to be appropriate by the Court where their personal interests are affected, and to protection of their safety, physical and psychological well-being, dignity and privacy, under article 68 of the Rome Statute, as well as access to relevant information are essential components of justice and, in this regard, and *emphasizes* the importance of effective outreach to victims and affected communities in order to give effect to the mandate of the Court;

77. *Stresses* the central importance that the Rome Statute accords to the rights and needs of victims, in particular their right to participate in judicial proceedings and to claim reparations, and *emphasizes* the importance of informing and involving victims and affected communities in order to give effect to the unique mandate of the Court towards victims;

78. *Acknowledges* the importance of protective measures for victims and witnesses for the execution of the Court's mandate, *stresses* the need for States to conclude agreements with the Court in order to facilitate expeditious international relocation of persons at risk, *welcomes* the relocation agreements with the Court concluded in 2015, *urges* all States to consider making such relocation agreements, and *encourages* all States to contribute to the Special Fund for Relocations;

79. *Stresses* that, since the identification, tracing and freezing or seizure of any assets of the convicted person are indispensable for reparations, it is of paramount importance that all necessary measures are taken to that end, in order for relevant States and relevant entities to provide timely and effective assistance pursuant to articles 75, 93, paragraph 1(k), and 109 of the Rome Statute, and *calls upon* States Parties to enter into voluntary agreements, arrangements or any other means to this end with the Court, as required;

²⁰ *Official Records ... Review Conference ... 2010* (RC/11), part II.B, Kampala Declaration (RC/Decl.1), para. 12.

80. *Renews its appreciation* to the Board of Directors and the Secretariat of the Trust Fund for Victims for their continuing commitment towards victims;

81. *Calls upon* States, international and inter-governmental organizations, individuals, corporations and other entities to contribute voluntarily to the Trust Fund for Victims also in view of possible reparations, in order to substantively increase the volume of the Trust Fund for Victims, broaden the resource base and improve the predictability of funding, and *renews its appreciation* to those that have done so;

Q. Recruitment of staff

82. *Takes note* of the Court's report on human resources,²¹ *welcomes* the Court's continued efforts, in the recruitment of staff, to seek equitable geographical representation and gender balance and the highest standards of efficiency, competency and integrity, as well as to seek expertise on specific issues, including, but not limited to, trauma-related psycho-social needs and violence against women or children, and *strongly encourages* further progress in this regard;

83. *Stresses* the importance of the dialogue between the Court and the Bureau with regard to ensuring equitable geographical representation and gender balance in the recruitment of staff members, and *welcomes* the report of the Bureau and its recommendations;²²

84. *Urges* States Parties to undertake efforts to identify and generate pools of qualified potential applicants to the Court's professional positions from States Parties from underrepresented regions, including through the financing by the Assembly of the Court's internship and visiting professional, and by States of Junior Professional Officer (JPO) programmes, and through the dissemination among relevant national institutions and organizations of the Court's vacancies;

R. Complementarity

85. *Recalls* the primary responsibility of States to investigate and prosecute the most serious crimes of international concern and that, to this end, appropriate measures need to be adopted at the national level, and international cooperation and judicial assistance need to be strengthened, in order to ensure that national legal systems are willing and able genuinely to carry out investigations and prosecutions of such crimes;

86. *Resolves* to continue and strengthen, within the appropriate fora, effective domestic implementation of the Rome Statute, to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally recognized fair trial standards, pursuant to the principle of complementarity;

87. *Welcomes* the international community's engagement in strengthening the capacity of domestic jurisdictions and inter-State cooperation to enable States to genuinely prosecute Rome Statute crimes;

88. *Also welcomes* efforts by the United Nations, international and regional organizations, States and civil society in mainstreaming capacity-building activities aimed at strengthening national jurisdictions with regard to investigating and prosecuting Rome Statute crimes into existing and new technical assistance programmes and instruments, and *strongly encourages* additional efforts in this regard by other international and regional organizations, States and civil society;

89. *Welcomes*, in this regard, the adoption of the 2030 Agenda for Sustainable Development²³ and acknowledges the important work being undertaken with regard to promoting the rule of law at the national and international levels and ensuring equal access to justice for all;

²¹ ICC-ASP/14/7.

²² ICC-ASP/14/39.

²³ United Nations General Assembly resolution 70/1.

90. *Stresses* that the proper functioning of the principle of complementarity entails that States incorporate the crimes set out in articles 6, 7 and 8 of the Rome Statute as punishable offences under their national laws, to establish jurisdiction for these crimes and to ensure effective enforcement of those laws, and *urges* States to do so;

91. *Welcomes* the report of the Bureau on complementarity;²⁴

92. *Also welcomes* the information by the Secretariat on the progress in giving effect to its mandate to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and *further welcomes* the work that has already been undertaken by the Secretariat and the President of the Assembly;

93. *Further welcomes* the focused dialogue and the exchange of views on strategic action to enhance national capacity to investigate and prosecute sexual and gender-based crimes that may amount to Rome Statute crimes, in particular on access to justice and empowerment of victims, held in the plenary discussion on complementarity during the fourteenth session of the Assembly and *takes note* of the recommendations presented by the International Development Law Organization;²⁵

94. *Encourages* the Court to continue its efforts in the field of complementarity, including through exchange of information between the Court and other relevant actors, while *recalling* the Court's limited role in strengthening national jurisdictions and also *encourages* inter-State cooperation in that regard;

S. Independent Oversight Mechanism

95. *Refers* to its resolution ICC-ASP/12/Res.6 on the Independent Oversight Mechanism;

96. *Recalling* the importance of a fully operational Independent Oversight Mechanism, in accordance with ICC-ASP/8/Res.1 and ICC-ASP/9/Res.5, to the efficient and effective operation of the Court, *welcomes* the selection by the Bureau of, and the commencement of duties on 15 October 2015 by, the Head of the Independent Oversight Mechanism;

T. Programme budget

97. *Takes note* of the important work done by the Committee on Budget and Finance, and *reaffirms* the independence of the members of the Committee;

98. *Recalls* that, according to its Rules of Procedure,²⁶ the Committee on Budget and Finance shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications and *emphasizes* the importance of ensuring that the Committee is represented at all stages of the deliberations of the Assembly at which documents that contain financial or budgetary implications are considered;

99. *Takes note with concern* of the report of the Bureau on the arrears of States Parties;²⁷

100. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and *urges* all States Parties to the Rome Statute to transfer their assessed contributions in full and by the deadline for contributions or, in the event of pre-existing arrears, immediately, in accordance with article 115 of the Rome Statute, rule 105.1 of the Financial Regulations and Rules, and other relevant decisions taken by the Assembly;

101. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute voluntarily to the Court, and *expresses its appreciation* to those that have done so;

²⁴ ICC-ASP/14/32.

²⁵ International Development Law Organization paper entitled "Complementarity for sexual and gender-based atrocity crimes", November 2015.

²⁶ *Official Records ... Second session ... 2003* (ICC-ASP/2/10), annex III.

²⁷ ICC-ASP/14/40.

U. Review Conference

102. *Recalls* that at the successful first Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010, States Parties adopted amendments to the Rome Statute, in accordance with article 5, paragraph 2, of the Rome Statute to define the crime of aggression and to establish conditions under which the Court could exercise jurisdiction with respect to that crime,²⁸ adopted amendments to the Rome Statute to expand the jurisdiction of the Court to three additional war crimes when committed in armed conflicts not of an international character,²⁹ and decided to retain, for the time being, article 124 of the Rome Statute;³⁰

103. *Notes* that those amendments are subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 5, of the Rome Statute and *notes with appreciation* the recent ratifications of the amendments;

104. *Calls upon* all States Parties to consider ratifying or accepting these amendments and *resolves* to activate the Court's jurisdiction over the crime of aggression as early as possible, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Rome Statute;

105. *Further recalls* the discussions on the issue of peace and justice at the stock-taking exercise held at the Review Conference and *notes* the interest to resume the discussions on this issue;

106. *Recalls* with appreciation pledges of increased assistance to the Court made by thirty-five States Parties, one observer State, and one regional organization, *calls upon* these States and the regional organization to ensure the swift implementation of these pledges, and *also calls upon* States and regional organizations to submit additional pledges and to report further at the fifteenth session of the Assembly, in written form or through their statement at the general debate on the implementation thereof;

V. Consideration of amendments

107. *Welcomes* the report of the Bureau on the Working Group on Amendments;³¹

108. *Recalls* its decision to adopt the amendment to article 124 pursuant to resolution ICC-ASP/14/Res.2, and *notes* that this amendment is subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 4, of the Rome Statute;

109. *Calls upon* all States Parties to ratify or accept the amendment to article 124, and *urges* all States that have not done so to ratify or accede to the Rome Statute, and in doing so to also ratify or accept the amendment to article 124;

W. Participation in the Assembly of States Parties

110. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute in a timely manner and voluntarily to the Trust Fund to allow the participation of least developed countries and other developing States in the annual session of the Assembly and *expresses its appreciation* to those that have done so;

111. *Encourages* the continuation of efforts undertaken by the President of the Assembly to hold an ongoing dialogue with all stakeholders, including regional organizations and *calls upon* all States Parties to support the President in his undertakings aimed at strengthening the Court, the independence of proceedings and the Rome Statute system as a whole;

112. *Decides* to entrust the Court, the President of the Assembly, the Bureau, the Advisory Committee on Nominations, the Working Group on Amendments, the focal points on non-cooperation and the Secretariat, as appropriate, with the mandates contained in annex I to the present resolution.

²⁸ *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.6.

²⁹ *Ibid.*, RC/Res.5.

³⁰ *Ibid.*, RC/Res.4.

³¹ ICC-ASP/14/34.

Annex I

Mandates of the Assembly of States Parties for the intersessional period

1. With regard to **universality of the Rome Statute**,
 - (a) *endorses* the recommendations of the report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute;¹ and
 - (b) *requests* the Bureau continue to monitor the implementation of the Plan of action for achieving universality and full implementation of the Rome Statute and to report thereon to the Assembly at its fifteenth session;
2. With regard to **cooperation**,
 - (a) *requests* the President of the Assembly, to continue to engage actively and constructively with all relevant stakeholders, in accordance with the Bureau procedures on non-cooperation, both to prevent instances of non-cooperation and to follow up on a matter of non-cooperation referred by the Court to the Assembly;
 - (b) *urges* the Bureau to continue consideration of the recommendations of the draft Action Plan on Arrest Strategies² with a view to its adoption, and to report thereon to the fifteenth session of the Assembly;
 - (c) *invites* the Bureau, through its Working Groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities, taking into consideration the study in annex II of the report of the Bureau on cooperation to the thirteenth session³ and to report to the Assembly well in advance of the sixteenth session;
 - (d) *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance;
 - (e) *requests* the Bureau, through its Working Groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its fifteenth session;
 - (f) *also requests* the Bureau, through its Working Groups, to continue its review of the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,⁴ in close cooperation with the Court, where appropriate;
 - (g) *further requests* the Bureau to maintain a facilitation of the Assembly for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;
 - (h) *requests* the Court to submit an updated report on cooperation to the Assembly at its fifteenth session and annually thereafter;
 - (i) *requests* that any information concerning potential or confirmed travel of persons against whom an arrest warrant has been issued be promptly shared with the Court by the focal points on non-cooperation; and
 - (j) *requests* the Bureau to continue to actively engage throughout the intersessional period with all relevant stakeholders to continue to ensure effective implementation of the non-cooperation procedures and to submit a report on its activities to the Assembly at its fifteenth session with the outcomes of the review of implementation;

¹ ICC-ASP/14/31.

² ICC-ASP/14/26/Add.1, appendix.

³ ICC-ASP/13/29.

⁴ Resolution ICC-ASP/6/Res.2, annex II.

3. With regard to the **relationship with the United Nations**,
- (a) *invites* the Court to continue its institutional dialogue with the United Nations, based on the Relationship Agreement between the United Nations and the International Criminal Court; and
- (b) *requests* the Registry to report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council;
4. With regard to **relationships with other international organizations and bodies**, *invites* the Court to include in its annual report to the United Nations General Assembly a section on the status and implementation of specific agreements on cooperation with other international organizations;
5. With regard to **elections**,
- (a) *requests* the Bureau to update the Assembly, at its fifteenth session, on the progress of the review to the procedure for the nomination and election of judges;⁵
- (b) *also requests* the Bureau to undertake, in consultation with the Advisory Committee on Nominations and at the end of its mandate, a review of the experience of the Advisory Committee and to report to the Assembly at its fifteenth session on that experience, including suggestions, as appropriate, on how to improve the terms of reference contained in the annex of the report of the Bureau on the establishment of an Advisory Committee on nominations of judges of the International Criminal Court (ICC-ASP/10/36);⁶
- (c) *further requests* the Bureau to ensure that elections of judges and other Court officials at regular sessions do not disrupt work under other agenda items, notably in light of recent experience at the thirteenth session; and
- (d) *requests* the Advisory Committee to report on its work to the sixteenth session of the Assembly;
6. With regard to **Legal Aid**,
- (a) *requests* the Court and the Bureau to keep the legal aid system under review;
- (b) *calls upon* the Court to continue monitoring the implementation performance of legal aid;
- (c) *reiterates its request* to the Court, in line with paragraph 6 of annex I of resolution ICC-ASP/12/Res.8 and paragraph 5 of annex I of resolution ICC-ASP/13/Res.5, to reassess the functioning of the legal aid system and to report on its findings to the Bureau, as well as to present, as appropriate, a proposal to the Bureau for adjustments of the existing legal aid system upon the completion of the first full judicial cycles⁷ and within the timeframe as indicated in the above mentioned resolution; and
- (d) *mandates* the Bureau, as appropriate, to further consider, in consultation with the Court, any structural changes to the legal aid system, including measures to further enhance the efficiency of the legal aid system;
7. With regard to the **Study Group on Governance**,
- (a) *invites* the Court to further engage in a structured dialogue with States Parties 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;
- (b) *requests* the Study Group to report back to its fifteenth session;

⁵ *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.6.

⁶ Such as the question of conflict of interest.

⁷ The end of the full judicial cycles refers to the issuance of a final appeal decisions in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and the case of *The Prosecutor v. Mathieu Ngudjolo Chui* respectively, including, as appropriate, a final decision on reparations.

(c) *invites* the Court to monitor the use of intermediaries through its Working Group on Intermediaries with a view to safeguarding the integrity of the judicial process and the rights of the accused;

(d) *requests* the Court to inform States Parties, when appropriate, about important developments pertaining to the use of intermediaries, which might require the Court to amend the Guidelines; and

(e) *invites* the Bureau in consultation with the Court to continue its consideration of the recommendation in paragraph 44 of the report of the Committee on Budget and Finance on the work of its twenty-third session,⁸ in the context of the review of the budgetary process, taking into account the Strategic Plan for 2016-2018 of the Office of the Prosecutor, the Report on the Basic Size of the Office of the Prosecutor and other relevant documents of the Court;

8. With regard to **proceedings of the Court**,

(a) *invites* the Court to intensify its efforts to enhance the efficiency and effectiveness of proceedings including by adopting further changes of practice;

(b) *also invites* the Court to share with the Study Group on Governance any update on the development of qualitative and quantitative indicators that would allow the Court to demonstrate better its achievements and needs, as well as allowing States Parties to assess the Court's performance in a more strategic manner; and

(c) *encourages* the Bureau, including through the two Working Groups and the Study Group on Governance, to continue to support the Court's efforts to enhance the efficiency and effectiveness of proceedings, and to consider including, if appropriate, a specific item on this issue on the agenda of the fifteenth session of the Assembly;

9. With regard to the **working methods review**,

(a) *invites* the Bureau to implement the recommendations of the 2013 working methods report,⁹

(b) *requests* the Bureau to establish facilitations only if the mandate requires open-ended consultations, and the matter cannot be addressed by a less resource-intensive mechanism, such as a rapporteur or a focal point;¹⁰

(c) *invites* the Bureau to use existing technologies such as video-conferencing in order to ensure participation of members of the Bureau not represented at the venue of the Bureau meeting;

(d) *requests* that the Bureau conduct an evaluation of the mechanisms established for carrying out the mandates received, and, where appropriate, consider the inclusion of end-dates and that it prepare recommendations on the reduction of the number and length of reports; and

(e) *decides* to include a specific item on the working methods of the subsidiary bodies of the Bureau and the Assembly on the agenda of the fifteenth session of the Assembly;

10. With regard to **strategic planning**,

(a) *requests* the Court that its communication strategy be consistently and efficiently implemented in line with the respective mandates and responsibilities within the Court;

(b) *recalls* its invitation to the Court to hold annual consultations with the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year, with a view to improving performance indicators updated on the basis of lessons learnt;

⁸ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2.

⁹ ICC-ASP/12/59.

¹⁰ As outlined, e.g., in paras. 21(a) and 23(b) of the Report on the Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau (ICC-ASP/12/59).

(c) *invites* the Office of the Prosecutor to inform the Bureau on the implementation of its Strategic Plan for 2016-2018;

(d) *requests* the Bureau to continue to engage in a dialogue with the Court on the development of a comprehensive risk-management strategy and to report thereon to the fifteenth session of the Assembly; and

(e) *also requests* the Bureau to continue to engage in dialogue with the Court on the implementation of the strategic approach to the Court's presence in the field with a view to the development of the Court strategy on field operations and to report thereon on a regular basis;

11. With regard to **Victims and affected communities, reparations and Trust Fund for Victims**,

(a) *requests* the Court to continue to establish principles relating to reparations in accordance with article 75, paragraph 1, of the Rome Statute as a priority in the context of its judicial proceedings;

(b) *encourages* the Board of Directors and the Secretariat of the Trust Fund for Victims to continue to strengthen its ongoing dialogue with the Court, States Parties and the wider international community, including donors as well as non-governmental organizations, who all contribute to the valuable work of the Trust Fund for Victims, so as to ensure increased strategic and operational visibility and to maximize its impact and ensure the continuity and sustainability of the Fund's interventions;

(c) *requests* the Court and the Trust Fund for Victims to continue developing a strong collaborative partnership, mindful of each other's roles and responsibilities, to implement Court-ordered reparations;

(d) *decides* to continue to monitor the implementation of the rights of victims under the Rome Statute, with a view to ensuring that the exercise of these rights is fully realized and that the continued positive impact of the Rome Statute system on victims and affected communities is sustainable;

(e) *mandates* the Bureau to continue considering victims-related issues as necessary or as they arise, having recourse to any appropriate process or mechanism; and

(f) *requests* the Court to make available to the Assembly appropriate statistics in relation to victims admitted to participate in proceedings before the Court when these are publicly submitted to the respective Chambers in the context of the judicial proceedings; such statistics may include, as appropriate, information on gender, criminal offense and situation, among other pertinent criteria as determined by the relevant Chamber;

12. With regard to **recruitment of staff**,

(a) *endorses* the recommendations of the Committee on Budget and Finance in relation to geographical representation and gender balance contained in the reports of its twenty-third, twenty-fourth and twenty-fifth sessions;¹¹

(b) *requests* the Court to submit a comprehensive report on human resources to the Assembly at its fifteenth session, which would include an update on the implementation of the recommendations on the topic which would be made by the Committee on Budget and Finance in 2016;

(c) *requests* the Bureau to continue to engage with the Court to identify ways to improve equitable geographical representation and increase the recruitment and retention of women in higher level professional posts, without prejudice to any future discussions on the suitability, or otherwise, of the current model, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the fifteenth session of the Assembly; and

¹¹ Respectively *Official Records...Thirteenth session ...2014* (ICC-ASP/13/20), vol.II, part B.2 and *Official Records...Fourteenth session ...2015* (ICC-ASP/14/20), vol.II, parts B.1 and B.2.

(d) *Urges* the Registry to seize the opportunity of the outstanding and future recruitment processes to implement measures that would contribute to the efforts of meeting the desirable ranges of geographical representation and gender balance;

13. With regard to **complementarity**,

(a) *requests* the Bureau to remain seized of this issue and to continue the dialogue with the Court and other stakeholders on complementarity, including on complementarity related capacity-building activities by the international community to assist national jurisdictions, on possible situation-specific completion strategies of the Court and the role of partnerships with national authorities and other actors in this regard, and also including to assist on issues such as witness protection and sexual and gender-based crimes; and

(b) *requests* the Secretariat to, within existing resources, continue to develop its efforts in facilitating the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and to report to the fifteenth session of the Assembly on further progress in this regard;

14. With regard to the **programme budget**,

(a) *requests* the Secretariat, together with the Committee on Budget and Finance, to continue to make the necessary arrangements to ensure that the Committee is represented at all stages of the deliberations of the Assembly at which documents that contain financial or budgetary implications are considered;

(b) *decides* that the Bureau, through the President of the Assembly, the coordinator of the Working Group and the focal point, should continue to monitor the status of payments received throughout the financial year of the Court and consider additional measures to promote payments by all States Parties, as appropriate, continue to engage in dialogue with States Parties that have outstanding contributions or are in arrears and report thereon to the Assembly at its fifteenth session; and

(c) *requests* the Secretariat to inform States Parties periodically of States that have recovered their voting rights following payment of their arrears;

15. With regard to the **Review Conference**, *requests* the Secretariat to make publicly available on the Court's website information provided by States and regional organizations on the pledges of increased assistance to the Court made in Kampala;

16. With regard to **consideration of amendments**,

(a) *invites* the Working Group on Amendments to continue its consideration of all amendment proposals, in accordance with the Terms of Reference of the Working Group; and

(b) *requests* the Bureau to submit a report for the consideration of the Assembly at its fifteenth session;

17. With regard to **participation in the Assembly of States Parties**,

(a) *recalls* its decision to hold a pledging ceremony during the fifteenth session of the Assembly on the ratification of the Agreement on Privileges and Immunities to invite States Parties to ratify it before the 20th anniversary of the Rome Statute (July 2018);

(b) *decides* that the Committee on Budget and Finance shall hold its twenty-sixth session from 18 to 22 April 2016 and its twenty-seventh session from 19 to 30 September 2016; and

(c) *also decides* that the Assembly shall hold its fifteenth session in The Hague from 16 to 24 November 2016, its sixteenth session in New York and its seventeenth session in The Hague.

Annex II

Amendments to resolution ICC-ASP/3/Res.6, regarding the procedure for the nomination and election of judges

A. Amend paragraph 1 as follows

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of judges of the International Criminal Court. The communication shall reproduce paragraph 6 of this resolution and remind Governments of the importance of elected judges who have made their solemn undertaking being available to take up their full-time service when the Court's workload so requires.

B. Amend paragraph 6 as follows

6. Every nomination should be accompanied by a statement:

(a) Specifying in the necessary detail how the candidate fulfils each of the requirements in article 36, paragraph 3(a), (b) and (c), of the Statute, in accordance with article 36, paragraph 4(a), of the Statute;

(b) Indicating whether the candidate is being nominated for inclusion in list A or list B for the purposes of article 36, paragraph 5, of the Statute;

(c) Containing information relating to article 36, paragraph 8(a)(i) to (iii), of the Statute;

(d) Indicating whether the candidate has any expertise under article 36, paragraph 8(b), of the Statute;

(e) Indicating under which nationality the candidate is being nominated for the purposes of article 36, paragraph 7, of the Statute, where a candidate is a national of two or more States;

(f) Indicating the commitment of the candidate to be available to take up full-time service when the Court's workload so requires.

C. Amend paragraph 23 as follows

23. Once regional and gender voting requirements are discontinued and provided that the number of remaining candidates allows the minimum voting requirements regarding lists A and B to be fulfilled, each further ballot shall be restricted to the most successful candidates of the previous ballot. Before each ballot, the candidate (or, in the event of a tie, the candidates) having obtained the lowest number of votes in the previous ballot shall thus be excluded, provided that the number of candidates remains at least twice the number of seats to be filled.

D. Add a new paragraph 27 *ter*

27 ter. If the judicial vacancy occurs during the intersessional period prior to a regular election of six judges, the election to fill that vacancy shall take place at that same session, unless the Bureau decides otherwise after consulting the Court. If the Bureau decides to hold the vacancy election at that same session, the procedures for the nomination and election of judges shall apply *mutatis mutandis*, subject to the following provisions:

(a) Candidates nominated for the regular election shall also be considered as nominated for the vacancy election, unless the nominating State Party decides otherwise. States Parties may also nominate candidates for the vacancy election only, without restriction to any region, gender or list. No separate nomination period is required for the vacancy election.

(b) The judicial vacancy shall not affect the calculation of the minimum voting requirements for the regular election (paragraphs, 11, 20, 21 and 22).

(c) The election to fill the judicial vacancy shall take place after the regular election of six judges has concluded, and at least one day later to allow the early distribution of instructions and sample ballot papers in accordance with paragraph 25.

(d) Those candidates that have not been elected in the regular elections shall be included on the ballot paper for the vacancy election, unless the nominating State Party decides otherwise, and subject to paragraphs (e) and (f) below.

(e) If after the regular election the number of judges from list A remains below nine or the number of judges from list B below five, only candidates from the underrepresented list shall be included on the ballot paper; others shall no longer be considered as nominated.

(f) If after the regular election a regional or gender minimum voting requirement is not fulfilled, only candidates that can satisfy any of the underrepresented regional minimum voting requirements as well as the underrepresented gender minimum voting requirement shall be included on the ballot paper; others shall no longer be considered as nominated.

(g) A judge elected to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is three years or less, shall be eligible for re-election for a full term under article 36 of the Statute.

Annex III

Amendments to resolution ICC-ASP/1/Res.6 on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, as amended by resolution ICC-ASP/4/Res.5

Insert the following text after paragraph 3 of the annex:

“In the event that, at a regular election, not all five seats have been filled, an election shall be held in accordance with the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims. The procedure shall apply *mutatis mutandis*, subject to the following provisions:

(a) The Bureau of the Assembly of States Parties may fix a nomination period which is shorter than the one used for regular elections;

(b) Nominations shall be restricted to the regional group whose seat has not been filled;

(c) The Bureau of the Assembly of States Parties may elect the member;

(d) The term of office of a member elected in accordance with this paragraph shall run concurrently with the term of office of the other members of the Board.”

Resolution ICC-ASP/14/Res.5

Adopted at the 12th plenary meeting, on 26 November 2015, by consensus

ICC-ASP/14/Res.5 Resolution on permanent premises

The Assembly of States Parties,

Recalling its resolutions adopted with regard to the permanent premises, including ICC-ASP/6/Res.1,¹ ICC-ASP/7/Res.1,² ICC-ASP/8/Res.5,³ ICC-ASP/8/Res.8,⁴ ICC-ASP/9/Res.1,⁵ ICC-ASP/10/Res.6,⁶ ICC-ASP/11/Res.3,⁷ ICC-ASP/12/Res.2,⁸ ICC-ASP/13/Res.2,⁹ and ICC-ASP/13/Res.6,¹⁰ and *reiterating* the importance of the permanent premises to the future of the Court,

Noting the report of the Oversight Committee on the permanent premises,¹¹

Noting the recommendations of the External Auditor, as well as the reports of the Committee on Budget and Finance on the work of its twenty-fourth and twenty-fifth sessions, and the recommendations contained therein,¹²

Stressing its firm intention that the unified construction and transition projects for the permanent premises should be delivered within the €206 million budget, of which €1,993,524 shall not be disbursed if the sharing mechanism of the contract with the General Contractor produces such expected results, as per resolution ICC-ASP/13/Res.6,

Also stressing the role of the Oversight Committee in implementing, under its delegated authority, any actions that might be needed to ensure that the project proceeds safely within budget and expenditure level, as well as that the ownership costs of the permanent premises be as low as possible,

Noting the existing pressure on the strategic reserve of the project, as a result of reductions on other reserves made before 2013,

Also noting that financial security needs to be built into the approved budget envelope to prevent a potential overrun on the expenditure level, which could negatively affect the financial objectives of the Assembly,

Recalling that the Oversight Committee and the Registrar have decided to cooperate in a spirit of mutual trust and collaboration to ensure the unified project's success,

Noting that the permanent premises project has been completed on 2 November 2015, and *recalling* its objective that the Court be able to progressively move into and take full occupation of the new premises by December 2015,

Also recalling that the permanent premises shall be delivered within the approved budget at a good quality standard, while avoiding elements that might not be essential to the proper performance of the core functions of the Court or that would otherwise negatively affect the total cost of ownership,

Noting the desire of States Parties that the permanent premises adequately reflect the role of the Assembly in the governance of the Rome Statute system and, consequently, that States Parties' interests are fully taken into account in the future governance and management of the premises,

¹ *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. I, part III.

² *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III.

³ *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, part II.

⁴ *Official Records ... Eighth session (resumption) ... 2010* (ICC-ASP/8/20/Add.1), part II.

⁵ *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II.

⁶ *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. I, part II.

⁷ *Official Records ... Eleventh session ... 2012* (ICC-ASP/11/20), vol. I, part II.

⁸ *Official records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. I, part II.

⁹ *Official records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. I, part II.

¹⁰ *Official records ... Thirteenth resumed session ... 2015* (ICC-ASP/13/20/Add.1), vol. I, part II.

¹¹ ICC-ASP/14/33/Rev.1, Add.1 and Add.2.

¹² *Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.

I. Governance and Management of the Project

1. *Welcomes* the report of the Oversight Committee and *expresses* its appreciation to the Oversight Committee, the Project Director, the Court and the host State for the progress made on the permanent premises unified project since the thirteenth session of the Assembly; *encourages* members and observers to continue working efficiently together in the Committee with maximum mutual transparency, as much as possible in open meetings, to achieve the successful completion of the unified project;

A. Construction Project

2. *Approves* the revised cash-flow scheme contained in annex I;

3. *Welcomes*:

(a) That the project has been completed, and that the Court has taken occupation of the premises as from 2 November 2015, with costs currently within the overall financial envelope of a maximum of €206 million, including both the construction budget of €194.7 million and the transition budget of €1.3 million;

(b) That the period between November and December 2015 would still be fully available for the Court to complete its move from the interim to the permanent premises, and that the actual move of the Court will take place in December 2015;

(c) The ongoing implementation of the cost-review strategy put in place by the Oversight Committee, including following the mandate of the Assembly at its resumed thirteenth session, so as to ensure that the project continues to allow for good quality premises while avoiding elements that might not meet the necessary standard of coherence with the core functions of the Court, or that would otherwise negatively affect the total cost of ownership;

4. *Takes note* of the ongoing financial situation of the project, as its final costs are only expected to be known by the end of March 2016, as they depend on pending contractual mechanisms with the General Contractor;

5. *Emphasizes* the importance of strict control on changes of requirements until transition is completed, and of the use of the project reserve only as a means of last resort, in order to ensure that the project is delivered to cost, quality and on time;

B. Transition Project

6. *Requests* the Oversight Committee and the Court to ensure through the Project Director that all preparatory measures are adopted for the Court to be ready to take occupation of the permanent premises by no later than December 2015 in order to avoid any additional expenditure for States Parties, and to report thereon in detail to the Bureau and to the Committee on Budget and Finance;

7. *Also requests* the Oversight Committee and the Court to ensure through the Project Director that a meaningful review process of the transition elements is continued effectively and implemented taking into account any new options for achieving savings, including but not limited to the review of the user requirements, consideration of the Court's assets, and the conduct of procurement actions;

8. *Recalls* its objective that costs related to the transition project remain as low as possible in order to stay within, and, if possible, below the approved €1.3 million budget;

9. *Also recalls* its decision to fund transition costs up to €5.7 million with the appropriation of the surplus pertaining to the financial years 2012 to 2014, to be accounted for as one-time payments, and that an amount of €4.4 million has been funded in 2014 with the surplus pertaining to 2012, which brings the current outstanding amount to be funded at €1.3 million, expectedly with the 2014 surplus;

C. Unified Project

10. *Recalls* that the total estimated costs (level of expected expenditures) amount to €204 million for the unified project, and an estimated figure of €7,617,600 from the regular annual budgets of the Court and for the management of the project;¹³

11. *Also recalls* that the unified project budget is the result of subsequent decisions taken in 2013 (budget unification, at €195.7 million), in 2014 (delegated authority to the Committee, to increase budget up to €200 million), and in 2015 (increase up to €206 million);

12. *Noting* that, while to date costs remain within the unified project budget set by the Assembly at €206 million and the expected expenditure level of €204 million, current pressures on final cost estimates exist, and that measures are needed to give financial security to the project in case of a cost overrun;

13. *Requests* the Oversight Committee and the Project Director to ensure that every effort is made to mitigate risks, seek opportunities for additional savings, and deliver the project within the expected expenditure level of €204 million, and its current budget envelope;

14. *Welcoming* that the Oversight Committee has implemented a close scrutiny of all pending contracts, and a prudent policy of maintaining existing savings in the transition project as a reserve of last resort, which would contribute to mitigating the risk of a cost overrun in the unified project, and, *also welcoming* the work of the Project Director and of the Court to achieve the best results and cost effectiveness in the procurement process;

15. *Endorses* the decision of the Oversight Committee¹⁴ that:

(a) All approved contracts shall be procured, entered and implemented so as to achieve the maximum cost reduction on the nominal contract value;

(b) Any savings realized in the authorized contracts shall be credited to the transition project reserve; and

(c) The transition project reserve shall remain under the exclusive authority of the Committee, and shall not be committed against any expenditure without the authorization of the Committee;

16. *Reiterates* its request that the Oversight Committee continue implementing a strict control on expenditures by means of the appropriate procedure for the management and control of the project budget, including by authorizing in advance any obligations to be entered by the project and, in that regard;

17. *Also request* the Oversight Committee to ensure that any savings achieved at this stage are kept in reserve in order to mitigate the risk of the potential worst case cost overrun above the expected expenditure level of €204 million;

18. *Further requests* the Project Director's Office to continue reviewing the requirements of the unified project corresponding to obligations not yet entered into and, in particular, by revising items so as to avoid that they reflect any state-of-the-art concept of quality, with the view of achieving a cost reduction in those areas of the project that do not affect the occupation by the Court by December 2015;

II. Capacity of the premises

19. *Acknowledging* that the capacity of the premises under the finalized construction allows for 1,382 workstations, with a theoretical capacity up to 1,519 workstations, should all individual offices be converted into shared offices, and meeting room space reduced drastically to accommodate extra office space;

¹³ ICC-ASP/14/33/Rev.1, annex IV.

¹⁴ Oversight Committee, *Decision on pending contracts*, dated 26 August 2015.

20. *Mindful* that the permanent premises will have to accommodate the Court in the long-term, and that an expansion of the permanent premises is not reasonably foreseeable in the next future;

21. *Requests* the Court to consider the permanent premises as a fixed factor of its growth strategies and, in that regard, to ensure that any request for approval of future increases in its staff level is also reasoned against the capacity of the premises and the specific solutions found to accommodate human resources;

22. *Also requests* the Court to provide concrete scenarios of the effects that its growth strategies, in the short to long-term, would have on the capacity of the premises;

III. Financing of the project

A. Funding needs

23. *Noting* that the total funding needs of the unified project currently amount to €9.6 million, as a result of the decisions taken by the Assembly in 2013 (€1.3 million), in 2014 (€4.3 million), and in 2015 (€4.0 million);

24. *Mindful* that the 2015 approved increase of expenditures shall be funded with resort to the reserves in the Employee Benefit Liabilities and in the Working Capital Fund;¹⁵

B. Final cost, audit and deadlines

25. *Noting* that, while the project has been completed by 2 November 2015, its final cost is only expected to be known once the final accounts with the general contractor are closed, which depends on: (i) The exact cost of the compensation events (changes), (ii) Other costs incurred until completion, and (iii) Outcome of the negotiations between Courtys and its sub-contractors;

26. *Also noting* that all such elements will affect the sharing mechanism and, therefore, the financial result of the project;

27. *Acknowledging* that the final cost can, therefore, only be considered to be achieved at a stage where no further changes in the accounts could take place, which is expected to materialize by the end of March 2016;

28. *Recognizing* that the repayment of the host State loan is linked to a recalculation to be conducted upon both the completion of the project and the expiration of the rent of the interim premises, on 30 June 2016;

29. *Also recognizing* that, as a consequence, the recalculation of States Parties contributions can only be achieved upon availability of the audited project accounts;

30. *Mindful* that States Parties which have opted for one-time payments should be afforded the opportunity to adapt their payments to the final audited costs, in order to avoid an unintended access to the host State loan;

C. One-time payments

31. *Recalling* that States Parties had been requested to inform the Registrar of their final decision to select the option of a one-time payment of their assessed share in the project by 15 October 2009, and that this deadline was first extended to 15 October 2012,¹⁶ and further extended to 31 December 2014;¹⁷

32. *Welcoming* the fact that since the thirteenth session of the Assembly, six additional States Parties have committed to making a one-time payment, for a total of additional €25 million, bringing the total number of States Parties having so committed to 65, as

¹⁵ As decided by resolution ICC-ASP/13/Res. 6, para. 3.

¹⁶ Resolution ICC-ASP/8/Res.8, para. 1.

¹⁷ Resolution ICC-ASP/11/Res.3, para. 14.

at 31 December 2014, in a total amount of €4,769,453 million, of which €4,107,108 million have already been received by the payment deadline of 15 June 2015;

33. *Recalling* the agreement on the host State loan (“Agreement”), and the resolutions adopted by the Assembly of States Parties on the matter;

34. *Acknowledging* that a financial gap has arisen between the reduction of the loan under the Agreement and the discount applied to States Parties making one-time payments, based on the resolutions of the Assembly of States Parties, and *also acknowledging* that such financial gap is currently estimated up to €3.5 million;

35. *Welcomes* with appreciation the offer of the host State to bridge the financial gap up to €3.5 million, as a political solution, with an additional contribution;

36. *Noting* that the conditions of the host State loan provide that payment of interest begins as of the time of the first utilization of the loan,¹⁸ and that repayment of capital and interest will commence after expiration of the existing or future leases of the interim premises;¹⁹

37. *Also noting* that the necessary liquidity for the payment of interest and capital for the whole of the repayment period needs to be ensured, and that States Parties failing to make their contributions in a timely manner will be liable for any costs incurred to meet the reimbursement obligation of the loan, and that an appropriate financial solution has to be established to address this risk;

D. Decisions

1. Funding

38. *Reiterates* that the 2013 outstanding amount of €1.3 million shall be funded through appropriation of the 2014 surplus;²⁰

39. *Decides* that the 2014 outstanding amount of €1.3 million shall be funded through appropriation of the surplus from the 2014 and following financial periods;

40. *Reiterates* that that the 2015 approved increase of expenditures shall be funded with resort to the reserves in the Employee Benefit Liabilities and in the Working Capital Fund;²¹

41. *Approves* that cash advances up to the €5.6 million for the 2013 and 2014 above outstanding amounts may be made to the project budget from the reserves of the Court in order to meet any cash needs prior to the availability of the surplus pertaining to the 2014 and following financial periods, for the purpose of funding the 2013 and 2014 decisions referred above, as a temporary and prudent measure of last resort, and with an agreed schedule for restitution;²²

2. Audit

42. *Decides* that the project audit for 2015 should be conducted so as to include in its scope the project accounts up to such a time as the costs have become final, which is expected by the end of March 2016;

3. Contributions

43. *Decides* that:

(a) The recalculation of States Parties contributions against the audited costs, the full amount of the host State reduction of the loan, and the further contribution of the host State against the financial gap referred to in paragraphs 34 and 35 above, shall be

¹⁸ Resolution ICC-ASP/7/Res.1, annex II, (e).

¹⁹ *Ibid.*, (f).

²⁰ As decided by resolution ICC-ASP/12/Res.2, para. 16.

²¹ As decided by resolution ICC-ASP/13/Res. 6, para. 3.

²² ICC-ASP/12/Res.2, para. 17.

conducted well before 30 June 2016, for the purpose of a final adjustment of the one-time payments and in order to ensure that all States Parties receive a fair and equal treatment;

(b) The final assessment of contributions shall be made well before 30 June 2016;

(c) The full amount of the reduction of the loan, for the purpose of reimbursement of the loan, shall be calculated, according to the stipulations of the Agreement;

(d) The Court shall send contribution letters to States Parties as soon as recalculations are completed;

(e) The deadline for States Parties having elected by 31 December 2014 the option of a full or partial one-time payment of their assessed share in the project, to execute the pledged payments shall be extended until no later than 29 June 2016;

(f) States Parties having elected by 31 December 2014 the option of a full or partial one-time payment of their assessed share in the project should consult with the Project Director so as to determine the scheduling thereof, taking into account that said one-time payments²³ are to be received in full by no later than 29 June 2016 or on any earlier date;

(g) States Parties having opted for a one-time payment and not fulfilling this option, entirely or partly, within the final deadline of 29 June 2016 will automatically forfeit the opportunity of making a one-time payment for any unpaid amount;

(h) Outstanding contributions of States Parties having opted for the repayment of the loan or having accessed the loan as a result of not matching the one-time payment final deadline of 29 June 2016, shall be treated as arrears;

(i) The Bureau will remain seized with any matter concerning the implementation of the one-time payments decisions;

IV. Scale of assessment

44. *Recalling* that at its thirteenth session the Assembly had taken note²⁴ of the recommendations of the External Auditor and the Committee on Budget and Finance, according to which the liquidation of States Parties' contributions for the permanent premises project be based on the scale of assessments applicable for 2013-2015;²⁵

45. *Considering* that, based on the Loan Agreement entered with the host State, the Assembly had approved since the very beginning of the project²⁶ that contributions be fixed based on the scale applicable once the final cost of the project and the amount of the host State subsidy are known (in 2016),²⁷ by deducting the subsidy from the capital;

²³ See resolution ICC-ASP/11/Res.3, annex II, Explanatory note on one-time payments, that clarifies the principles for to one-time payments in connexion with the criteria applicable to the agreement on the loan, including as regards those States Parties that would select the one-time payment option, or make their payments, after the host State loan has been accessed and payment of interest has commenced.

²⁴ ICC-ASP/13/Res. 2, para. 20.

²⁵ ICC-ASP/13/15, para. 164.

²⁶ ICC-ASP/7/Res.1, annex III, *Principles for one-time payments of the assessed share*, para. 5: "One-time payments shall be subject to an adjustment once the final cost of the project and the amount of the host State subsidy are known"; para. 7 : "The adjustment [...]calculated at the end of the project [...] will [...] Take into account the scale of assessments to the Court's regular budget applicable at the time the final cost envelope of the project is determined."

²⁷ ICC-ASP/8/Res. 8 (para. 3), ICC-ASP/11/Res.3 (para. 17), ICC-ASP/12/Res.2 (para. 25), and ICC-ASP/13/Res.2 (para. 21) all provide that: "[one time-payments] shall be subject to an adjustment once the final cost of the project and the full amount of the host State subsidy are known in order to ensure that all States Parties receive a fair and equal treatment." This decision was based on *Loan agreement between the State of the Netherlands (Ministry of Foreign Affairs) and International Criminal Court*, dated 23 March 2009, article 3(c): "A one-time payment shall be subject to an adjustment once the final cost of the project and the amount of the host State subsidy are known." According to the Loan Agreement, the amount of the loan to be reimbursed is determined at the date when the rental agreements for the interim premises will expire (March/June 2016) by deducting the subsidy from the capital *Loan agreement*, article 1.1: " Expiry date [is] the date on which the present or future rental agreement of the Court concerning the present temporary housing at Maanweg 174 and/or Saturnusstraat 9 in The Hague expires"; article 5.3.a: "On the Expiry date the State and the Court will jointly

46. *Also considering*, however, that the Explanatory note to the ICC-ASP/11/Res.3 of 2012 indicated that the scale of assessment will be the one applicable at the completion of the project (December 2015), without further changes;²⁸

47. *Decides* that the liquidation of States Parties' contributions for the permanent premises shall be based on the scale of assessment applicable for 2013-2015;

V. Financial reporting

48. *Reiterates* its requests to the Project Director to submit, through the Oversight Committee, and for consideration by the Assembly at its fifteenth session, a detailed and separate report on expenditures for the construction and transition activities,²⁹ together with the financial statements for the project;

VI. Audit strategy

49. *Welcomes* that the External Auditor of the Court (*Cour des comptes*) has adopted a comprehensive approach to auditing the accounts and performances of the Court, which includes the full scope of the permanent premises project,³⁰ and *takes note* of the recommendations contained in the Financial statements for the period 1 January to 31 December 2014;³¹

VII. Ownership of the Permanent Premises

A. Ownership interests

50. *Recalling* its request that the Oversight Committee and the Court ensure that the interests of States Parties are addressed in matters related to the access to the premises, and that the Committee submits at the fourteenth session of the Assembly a proposal for States Parties representation of the ownership interests of the Assembly in the permanent premises;

51. *Welcomes* the proposal of the Oversight Committee that matters related to the enhanced access of States Parties to the premises (such as, access routes, parking, security screening, badges) and the use thereof (such as, rooms for meetings or to support delegations, and convertible courtroom) at the current stage be addressed through consultations between the appropriate organs of the Assembly and the Court;

52. *Takes note* that in future the most appropriate entry-point for these and any other States' related matters may be identified by the Assembly, also taking into account the mandate of the new governance structure;

B. New States Parties contributions

53. *Mindful* that the Court is provided with permanent premises whose costs are equally contributed by all States Parties, and that the principle of equal sovereignty of States requires that such situation remains unaltered in future, so as to avoid that future States Parties benefit from an asset to which they might have not contributed;

54. *Acknowledging* that the decision to accede to the Rome Statute would not be driven by the cost future States Parties might have to share with current ones to take on their membership responsibilities;

determine the total amount of the Loan as at the Expiry date"; article 5.3.b.: "If the amount of the Loan is not the entire Capital, then the Loan is to be reduced with a subsidy amount which is equal to : (Capital -/ - the Loan) x 17,5%."

²⁸ICC-ASP/11/Res. 3, annex II, *Explanatory note on one-time payments*, para. 2(b), stated that changes in the scale of assessment after the completion of the project (December 2015) will not be applicable to the calculation of the States Parties' assessed contributions to the project.

²⁹ICC-ASP/12/15, para. 148.

³⁰*Official Records ... Eleventh session ... 2012* (ICC-ASP/11/20), vol. II, part B.2, para. 82.

³¹*Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part C.1.

55. *Decides* that new States Parties, at the time of their accession to the Rome Statute, shall be assessed contributions against the total cost of the permanent premises as detailed in annex IV;

C. Governance structure

56. *Stressing* the need to ensure sufficient and continuous oversight by the States Parties on the permanent premises in which they have invested significant financial resources;

57. *Considering* that a decision by the Assembly is required at this stage to enable that the premises start to be used under the clear and unequivocal policy guidance necessary to establish the correct management framework and relationship between States Parties and the Court, as well as to continue preparations for the asset value to rely on reasonable financing expectations;

58. *Invites* the Bureau to continue discussions on the establishment of a new governance structure for the permanent premises, and to report thereon to the fifteenth session of the Assembly;

59. *Agrees* that if no decision is taken on the establishment of a new governance structure by the end of the fifteenth session of the Assembly that the mandate of the Oversight Committee shall be extended until such time such decision is taken;

VIII. Total Cost of Ownership

60. *Stressing* that the ownership responsibility of States Parties for the permanent premises include the preservation of the asset value at an appropriate functional level throughout its lifetime, and that capital replacement actions need to be planned and funded within a structured framework, in a political and financial sustainable context;

61. *Considering* that the Oversight Committee has reviewed the conclusions of its working group on Total Cost of Ownership, headed by the Project Director, which recommended a multiannual approach, which appears most advantageous from a technical perspective, whereby long-term maintenance and capital replacement would be organized through a Main Contractor, resources of approximately €300 million would be provided in fifty years through flattened annual contributions to a fund, and governance ensured by the existing mechanisms (Assembly, Committee on Budget and Finance, External Auditor);

62. *Noting* that the Oversight Committee has finalized its work on the Total Cost of Ownership and, upon advice of the Committee on Budget and Finance at its twenty-fifth session, has reported in details to the Assembly;

63. *Considering* the recommendations of the Oversight Committee on the governance, organization, costs, and funding of the capital replacement for the permanent premises:

(a) The governance of the permanent premises should be ensured through a structure that enables States Parties to retain a firm control over strategic decisions that will affect the long-term cost, functionality, and value of the premises;

(b) The organization of the maintenance and the capital replacements at the new premises requires a professional start-up phase. While this justifies outsourcing, over time the Court will have to take strategic responsibilities, and be able to conduct in-house part of the required activities, so as to further scale down its resources and achieve increasing efficiencies and objective savings by making full use of its resources;

(c) The significant costs estimated by the working group over the long-run need to be revised, in light of the accepted practice in the public international sector, only;

(d) Funding the long-term costs of the premises by means of a Fund with the scope and purpose proposed by the working group would not be a politically viable option;

(e) Extra-budgetary resources (annual surplus, and contributions from new States Parties) are proposed for a decision that is expected to cover in the medium-term at least the low to medium cost spikes. However, full financial security requires that the funding of the four major long-term capital replacement events expected over the next 50 years is timely

addressed. In that regard, since the issue is not of an immediate nature and further work is still required to safely devise a sustainable funding mechanism, the Committee is recommending that the analysis of a sustainable use of budgeted resources (assessed contributions) takes place together with a cost review in the period 2016-2019;

64. *Recalling* its authorization for the Court to extend the maintenance contracts provided by the General Contractor during the first year after the delivery of the permanent premises, to a period ending on 31 December 2017, in order to allow the Court sufficient time to prepare its future long-term maintenance strategy and contracts;³²

65. *Acknowledging* that the following costs will be included in the annual budgets of the Court:

- (a) Operational costs, including utilities, cleaning and staff costs;
- (b) Services needed for running the premises (e.g., occasional conversion of Courtroom 1 for Assembly of States Parties purposes);
- (c) Other Facility Management Costs;

66. *Welcomes* the approach to the Total Cost of Ownership contained in the report of the Oversight Committee, and *approves* the decision in annex II to this resolution;

67. *Decides* that:

(a) Governance. The governance of the permanent premises shall be ensured through a future governance structure, with the aim of retaining a firm control over strategic decisions that will affect the long-term cost, functionality, and value of the premises;

(b) Organization. The organization of the maintenance³³ and the capital replacements shall be conducted in the start-up phase and for a first period of 10 years, starting in 2018, on the bases of a Main Contractor model. Over time the Court will have to take strategic responsibilities, and be able to conduct in-house part of the required activities, including maintenance management and strategy, so as to achieve increasing efficiency and objective savings;

(c) Cost estimates, shall be revised through a *meaningful cost review* conducted by the Premises Committee in the period 2017-2019 as follows:

(i) Application of practices of the international public sector. Practice of the private sector shall not be considered;

(ii) Experience developed at the seat of major International Organization, primarily in Geneva and Vienna, shall be driving the review;

(iii) Lifetime of assets and level of maintenance (condition scores) shall strictly follow the experience of the international public sector;

(iv) No costs for capital replacements shall be factored in for the first ten years, until 2026;

(v) The revised costs shall be projected in the medium-term plans;

(d) Funding. Extra-budgetary resources, including annual surplus and contributions of new States Parties, shall be used to finance capital replacement costs. Surplus deriving from overpayment of contributions in the permanent premises shall offset future contributions due by the same States Parties against the long-term capital replacement costs. An analysis of a sustainable use of budgeted resources (assessed contributions) or other financial instruments (including loans) to provide sufficient financial security to the capital replacement needs shall be conducted, together with the cost-review, in the period 2017-2019. The establishment of a Fund with the scope and purpose proposed by the working group is not a politically viable option;

³² ICC-ASP/13/Res.2, para. 14.

³³ Preventive and corrective maintenance will be provided in 2016 (funded at €1.1 million – para. 390 of the annual budget proposal) by the project's General Contractor, Courtys, through the approved extension of the guaranteed period.

(e) Urgent repairs. Upon request of the Premises Committee, cash advances may be made from the reserves of the Court for the purpose of urgent capital replacement measures and in order to meet any cash needs prior to the availability of non-budgeted resources (surplus and new States Parties contributions), as a temporary and prudent measure of last resort, for a limited amount, and with an agreed schedule of restitution;³⁴

68. *Requests* the Oversight Committee, based on its report to the fourteenth session of the Assembly, to continue preparation of sustainable financial scenarios, including the use of budgeted and non-budgeted resources as well as of any loans, to be further refined in the period 2017-2019 in light of the cost-review exercise that will be conducted by the Premises Committee;

69. *Also request* the Oversight Committee to operationalize all aspects of the strategy on Total Cost of Ownership contained in its report;

70. *Welcomes with appreciation* that several States Parties made artwork donations to the permanent premises;

IX. Governance responsibilities

71. *Requests* the Oversight Committee to continue to provide regular progress reports to the Bureau and to report back to the Assembly at its next session;

72. *Adopts* the current resolution and the annexes thereto;

73. *Requests* the Bureau to fill the remaining vacancies in the Oversight Committee.³⁵

Annex I

Cash flow projection 2015-2016

	YTD	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Jun 2016	Oct 2016	Total
Cash opening balance		572,506	1,512,524	477,061	554,611	16,195	343,119	343,119	309,150	
Accounts payable		1,485,260								
Cash out CP + TP	185,223,981	2,774,722	8,578,355	1,022,450	5,338,416	73,076	-		989,000	204,000,000 *
Refund interest								543,969		543,969
Date of drawing = date of loan received on ICC Bank Account	85,200,000	5,200,000	5,492,892							95,892,892 **
Other Funding needed			2,050,000	1,100,000	4,800,000	400,000	-	510,000	679,850	9,539,850 ***
Cash balance		1,512,524	477,061	554,611	16,195	343,119	343,119	309,150	-0	

* Based on an estimated final cost of €204 million.

** Estimated maximum use of the loan under current scale and formula.

*** Based on an estimated final cost of €204 million.

³⁴ Identical to ICC-ASP/12/Res.2, para.17.

³⁵ See annex V *Members of the Oversight Committee*.

Annex II

Decision on Total Cost of Ownership

I. Introduction

1. The Total Cost of Ownership for States Parties to deliver their responsibilities as regards the permanent premises of the International Criminal Court (ICC) includes the following costs:

(a) Financial costs (financing of the construction and transition activities). Such costs will have to be borne by States Parties individually, by repaying pro quota the loan, if they have not paid their contributions to the project in advance (one-time payment),

(b) Operating costs (costs associated with running the building on a day-to-day business, including utilities, such as gas, electricity and water supply). These costs will (continue to) be included in the yearly budget proposals,

(c) Long-term maintenance (preventive and corrective) and capital replacement (investments to replacing parts of the building that have a significant cost impact).

2. The permanent premises are the most important asset of the Court, and its value should be preserved at an adequate level, so that it can perform its function throughout its lifetime. Since the asset depreciation will start from the very moment the construction project is completed, a suitable funding and governance solution to the long-term maintenance and the capital replacement costs should be adopted by the same time the asset becomes available. Due to the lifetime impact of the capital replacement cost and the scale of financial interests involved, the solution found to this matter would appear to be the most important strategic matter, for States Parties when asserting their ownership on the permanent premises they have provided as the seat of the Court. The importance of this item *per se* calls for States Parties to consider the impact that it will have for them throughout the life span of the premises.

3. While final “technical” conclusions are available on this matter,¹ the Committee had until now reserved its position,² in light of the sensitive policy implications of the proposals received. Upon the advice received by the Committee on Budget and Finance at its twenty-fifth session, the final recommendation of the Committee is now submitted to the Assembly for decision at its fourteenth session.³

II. The “technical” evaluation

4. In 2013,⁴ Committee established⁵ a Working Group on Total Cost of Ownership (“working group”), tasked with a technical evaluation of possible options to fund building operating and maintenance costs, including any options for future States Parties to

¹ CBF/24/20, *Interim Report on the activities of the Oversight Committee*, 15 April 2015, annex VI “Working Group on Total Cost of Ownership – Comprehensive Advice: how to organize and fund Capital Replacements.”

² CBF/24/20, *Interim Report on the activities of the Oversight Committee*, 15 April 2015, para. 50: “As it had noted at the outset of this exercise, the Committee preliminarily considered that the matter was at the end to be decided on the basis of the political feasibility of any technical option submitted. In that regard, the Committee will have to further consider the options formulated by the WGTCO in light of the factors involved for the preservation of the value of the premises, their functionality, as well as the schemes that States Parties might be ready to endorse both to govern and finance the long-term capital replacement and maintenance processes.”

³ *Ibid.*, para. 51: “The Oversight Committee intends to finalize its work on the Total Cost of Ownership in 2015, once the advice from the Committee on Budget and Finance will be submitted to it. A draft recommendation of the Committee will then be submitted to the twenty-fifth session of the Committee on Budget and Finance for its final advice, so that the Committee can submit its finalized recommendation to the fourteenth session of the Assembly for a decision.”

⁴ Pursuant to resolution ICC-ASP/11/Res.3, para. 8.

⁵ Oversight Committee, *Terms of Reference Working Group Total Cost of Ownership (TCO)*, 19th March 2013.

contribute to the project costs. The working group, chaired by the Project Director,⁶ concluded its technical considerations with a final report.⁷

5. The working group provided the Committee with an advice focused on ensuring the functionality of the premises and the preservation of the investment value. To this end, options had been considered pertaining to the organizational model, the funding strategy, the governance structure and contributions of new States Parties to the construction project. In summary, the working group assumed a schedule of costs for capital replacement over a period of 50 years, and suggested the following solutions:

(a) To outsource the future maintenance to a general contractor, beginning on 1 January 2017;

(b) To finance the estimated long-term capital replacement costs by building a fund to manage the approximately €300 million required over 50 years, with yearly contributions flattened at €4.3 million, so as to avoid one-off-payments from States Parties in the expenditure relevant financial years; and

(c) To govern the process through the regular management and oversight structures (Court, Committee on Budget and Finance and the Assembly of States Parties), without establishing a permanent management body with the presence of States Parties.

III. Analysis and solutions by the Committee

A. Policy level

1. Overall elements

6. The Committee, who had participated at all stages to the activities of the Working Group, carefully analyzed its proposed solutions, and considered the following.

(a) The Committee had expressed its concerns about the political feasibility of setting up a large-scale fund, primarily due to organizational and financial risk associated with tasking the ICC to run such fund, and the costs attached to its management;⁸

(b) While funding in advance the future long-term costs might reflect some practice in the private sector, there have not been clear indications of the public international sector applying similar high standards;

(c) States Parties have expressed a clear intention to perform a leading role in the future governance of the permanent premises, including by exerting a substantive control function in all owner-related issues, such as the long-term maintenance and capital replacement costs of the building;

(d) The ownership costs of the premises are contributed equally by all States Parties, and fairness and equality require that new States Parties acceding the Rome Statute should also participate in the costs sustained by the membership to make the premises permanently available;

(e) Experiences from other international organizations suggest that for the first 10 years it can be avoided to factor in any capital replacements costs;⁹

(f) Experience of the Committee on the aggregated permanent premises costs should be taken into account, as regards users' requirements, their impact on the design and on cost developments, as well as the role of States Parties in that regard;

(g) Since the working group's projected long-term costs are only an estimate - and require regular and timely monitoring and refining, as well as better assessment by a

⁶ The WGTCO was also participated by the Project Manager (consultant of the Project Director's Office), the Court, an Expert appointed by the Committee, and members of the latter.

⁷ Working Group on Total Cost of Ownership, *Comprehensive Advice: how to organize and fund Capital Replacements*, dated 2 April 2015.

⁸ CBF/24/20, *Interim Report on the activities of the Oversight Committee*, 15 April 2015, para. 50, *supra*, fn 2.

⁹ Working Group on Total Cost of Ownership, *Visit to Geneva* ("FIPOL"), dated 25 September 2013 and *Visit to Vienna* ("Vienna International Centre"), dated 1 April 2014.

permanent governance structure - the currently projected expenditure spikes remain a working model, only.

2. Lessons learnt

7. The Committee has identified the following lessons learnt, upon which the decision of the Assembly as to the future governance and long-term preservation of the value of the permanent premises should be based on:

(a) *Ownership role and feelings must be maintained at all stages*

(i) As the fulfilment of the ICC mandate depends on the support received by States Parties, the latter should remain constantly convinced that the premises they provide the Court with also match their expectations. Requirements that are not objectively understood to be necessary for the Court to achieve its mission can alienate the support of the States Parties, and contribute to creating a politically negative environment around the Court;

(ii) Appropriate communication is necessary, but it must reflect contents that are measured and sensible, in line with both the international environment the Court is a part of, and of the accepted standards of other international organizations; and

(iii) An active role of States Parties in ensuring the consistency of the premises with the mission of the Court is an essential part of their ownership responsibilities and rights. This requires that the Assembly establishes and implements an effective control authority.

(b) *Requirements drive the final cost*

(i) Since changes in requirements over the medium to the long-term might be inevitable - as unpredictable might be the developments in their cost - the final cost envelope would tend to be higher than expected, and might also not match the budget constraints and attitude of States Parties;

(ii) During the construction project, States Parties had accepted that the needs of the Court be translated into features of the design without political interference, while the project management remained in charge of control on budget effects. Throughout the project lifetime, the adopted requirements have resulted in increasing stress for the budgeted resources. The actual cost impact of changes in requirements - although they might be cost-neutral at the relevant stage, as offset by other savings or reductions – cannot but be assessed at the project end. At later stages of the project, budget increases have become inevitable and not well received by States Parties; and

(iii) Once all requirements are accepted at earlier stages, financial resources would remain limited for adaptations that become necessary at later stages or otherwise inevitable (e.g., because of changes applicable local regulations), at which point a stricter budget attitude might result in limitations to the functionality of the premises.

(c) *Effective oversight requires control*

(i) To ensure the achievement of the ownership objectives of the Assembly, States Parties should remain in effective control of the processes needed to guarantee the asset value and functionality over time;

(ii) Should oversight functions be carried out only as observing and reporting functions - by verifying developments against whatever guidance framework exists in order to alert the Assembly of any deviation to such framework and/or for the purpose to request additional resources - States Parties' ownership expectations would not be fulfilled;

(iii) In that regard, the role of States Parties has to be clearly framed as an active participation in the process, principally in the role of approving or not frameworks, conditions and plans, as well as other proposed actions and

expenditures, including by reviewing requirements as they are proposed and implemented. Any oversight body that is not endowed with sufficient authority to control the contents of their action would also not be able to ensure the objectives it might be requested to achieve; and

(iv) The control authority would require that States Parties take a more active role, so that they are enabled to follow the process of establishing the requirements and their cost estimates.

3. Governance consistency

8. Based on the above, the Committee submits that the future governance structure for the permanent premises should be based on the following main concepts and features:

(a) *A States Parties representative body*, as follows:

(i) **Composition:** Representatives of States Parties, at the Ambassadorial level and preferably possessing relevant expertise; meetings would be held on a quarterly basis, or as appropriate;

(ii) **Observers:** Representatives of non-Member States Parties, of the Court, and of the Assembly's assurance mechanisms (External Auditor, Internal Auditor, Committee on Budget and Finance, Independent Oversight Mechanism);

(iii) **Expertise:** Availability of qualified technical independent experts, and experts that States Parties might wish to contribute, preferably on a pro bono basis;

(iv) **Mandate:** On behalf of the Assembly, monitor and oversee processes relevant to the exercise of the ownership rights and responsibilities, including

- Long-term cost, functionality and value of the premises (total cost of ownership), and, in particular,

- o Refine and verify assumptions and estimates on future requirements and costs,

- o Prepare medium-term maintenance and capital replacement plans, as well as any additional proposal for financing means, including loans, to be submitted to the Assembly for adoption,

- Identify issues related to the ownership of States Parties, and adopt strategic solutions,

- Submit to the Assembly proposals for solutions of such matters that might have financial or policy implications exceeding its mandate,

- Prepare further decisions of the Assembly for refining, adapting and implementing the governance framework,

- **Authority:** Effective control on processes, i.e. strategic decision-making on the establishment, implementation and performance of the programme and of its budget, including on the users' requirements, with timely access to sufficient and detailed information,

- **Role of other assurances:** Both the Committee on Budget and Finance and the External Auditor, within their respective mandates, would provide advice and recommendations to the governing structure;

(v) **Practice:** Build on the practice of, and lessons learnt by the Oversight Committee, whose experience has been acknowledged by the External Auditor and the Committee of Budget and Finance as a positive factor in the achievements of the permanent premises project;¹⁰

¹⁰ ICC-ASP/14/12, *Audit report on the financial reporting and management of the permanent premises project, 2014 financial year*, dated 4 August 2015, paras. 117; ICC-ASP/14/15, *Report of the Committee on Budget and Finance on the work of its twenty-fifth session*, dated 22 October 2015, para. 173.

(b) *Main Contractor*

To be hired under the authority of the governing body, in consultation with the Court. The scope of the contract should, in the subsequent ten-year period, be adapted to developments of in-house resources, based on the management capacity of FMU and, when established, of the strategic leadership of the Director of the Project Office;

(c) *Director of the Project Office*

(i) To be hired by, and remain under the full authority of, the governing body on the occasion of major capital replacements, only. According to the *Schedule Capital Replacements*¹¹ and subject to the review thereof that will be conducted over the first ten years, the establishment of a Project Office would be a needed and cost-efficient measure for States Parties to retain control over major capital replacement costs only on four or five occasions over fifty years (2036, 2041, 2051, and 2056). For that purpose, a Director of the Project Office (“Director”) might be hired sufficiently in advance of the expected replacement projects, while taking advantage of preparations undertaken by the Main Contractor and in cooperation with the Court, under the oversight of the States Parties representative body, with the assistance of its experts. Based on the experience in the construction project, and taking also into account the lower scale of a capital replacement project (although of a major nature), it is assumed that a Director could be recruited and his/her Office established two years in advance of each of the four major expected capital replacement projects. The Office should then, in total, be funded for a period of maximum five years, at a maximum average cost of €250,000 per year, taking into account synergies with the Main Contractor and the Court,

(ii) Management functions within the scope of the activity mandated, with requirement to provide full information to the governing body in a timely manner, in order to proper decision-making and authorization of expenditures,

(d) *Relationship with the Court*

Management of the facilities outside the scope of the long-term maintenance and capital replacement, i.e. the short-term maintenance and operational costs, falls within the mandate of the Court, including the implementation of the contract with any Main Contractor. Other aspects of the ownership interests of States Parties may be also addressed through the governing structure, as appropriate.

B. Funding

9. The recommendation of the External Auditor for “creating reserves for the renewal of [the] real estate capital in the financial year following the delivery of the permanent premises”¹² should be adopted and implemented taking also into account a number of mitigating factors, including:

(a) Long-term impact of the asset depreciation;

(b) Sustainability of early funding at a time when the organization and the operations of the Court, as well as higher operating costs resulting from the size of the building,¹³ propose a significant increase in budgeted resources, while the majority of States Parties will have to start paying the investment cost and the interest on the loan;

(c) Any available solution, both as financial (nature and scope of the reserves, including surplus) and funding sources are concerned;

10. The recommendation of the Committee on Budget and Finance is likewise that “a measure of reserves be built up in good time as the large spikes approach” and, while

¹¹ CBF/24/20, *Interim report on the activities of the Oversight Committee*, dated 15 April 2015, Appendix I.

¹² ICC-ASP/14/12, *Audit report on the financial reporting and management of the permanent premises project, 2014 financial year*, dated 4 August 2015, paras. 102-111 and, in particular, para. 111 and *Recommendation 3*.

¹³ ICC-ASP/14/10, *Proposed Programme Budget for 2016 of the International Criminal Court*, para. 390.

recognizing that “this is not an immediate issue, [...], it needs to be addressed in the near future.”¹⁴

11. **Funding targets**, as advised by the Committee on Budget and Finance¹⁵ can be devised at this stage but, because of the need to conduct a further cost review, will need to be revised in the period 2017-2018.

12. At this stage and for the purpose of building funding targets, the Committee can only consider the cost impact of capital replacement on the provisional bases indicated by the working group. From this perspective, funding targets are provisionally devised in a significantly conservative manner, since in future they will need to be revised in light of a meaningful cost review [see below, “Costs”].

13. Such targets would include the following alternatives to address a 50 year period:

(a) **Full funding of around €300 million costs** estimated by the working group, by assessing flattened contributions of €4.3 million per year, starting in 2017, and managed by the Court through a Fund.

This is the scenario proposed by the working group, and has the advantage of providing full certainty as to the financing of future needs. However, the preservation of the value of the asset is considered at standard level and with funding mechanism that has no precedent in other International Organizations, and States Parties are unlikely to support this scenario;

(b) **Partial funding of the long-term cost**, limited to contingencies (in the worst case, estimated at €5.0 million over the first 10 years) and to minor/medium capital replacement costs (€40 million over 50 years), **through a mix of budgeted and extra-budgetary resources** (surplus and new States Parties contributions) that would remain under the control of a governance structure of the Assembly.

Starting in 2017, States Parties would only be asked to contribute to a Revolving Fund, for contingencies, in the amount of €0.5 million, which would be reduced to €0.4 million after 10 years. At that point (2016) an additional contribution of €1.0 million would be needed to cover the long-term, low to medium size investment costs. The scenario has the advantage of keeping low the ownership costs of the premises at least over the first 20 years, and retaining full control over their administration by the Assembly. However, uncertainties would remain for the most significant amount of resources that would be required on the occasion of the four major cost spikes, while also requiring additional discussion on the long-term investment of the contributions assessed;

(c) **Partial funding of the long-term cost, limited to the use of surplus and new States Parties contributions, only, with cash advances from the Court’s reserves to bridge funding gaps.**

This option would have a lower impact on States Parties (since no assessed contributions would be levied, and only surplus is appropriated), However, the accumulated surplus would still need to be managed, and the need to increase the surplus level might contradict the interest of the Assembly to receive more accurate annual budget proposals.

14. The three indicated funding targets or alternatives respectively assume that the capital replacement costs will be funded only through assessed contributions (1. “Full funding” etc.), with a mix of assessed contributions and non-budgeted resources (2. “Partial funding” etc.), or only with non-budgeted resources although limited to minor/medium cost spikes (3. “Partial funding ... with a mix ...”).

15. **Non-budgeted resources** (i.e., without levying additional contributions from States Parties) would become available as follows:

(a) *Surplus*

Any surplus from 2014 and 2015 might have to be used to offset the funding needs of the permanent premises project, following the decisions taken by the Assembly in 2013 and 2014. Instead, surplus from financial years 2016 onward

¹⁴ ICC-ASP/14/15, *Report of the Committee on Budget and Finance on the work of its twenty-fifth session*, dated 22 October 2015, para. 172.

¹⁵ *Ibid.*

might be made available to fund capital replacement costs (in the Revolving Fund until it is topped up, and later the Capital Fund itself, under the scenario (2) above). While the availability of surplus cannot be anticipated with certainty (since it depends on the budgetary performance, the Un-liquidated Obligations, and the level of arrears) in the period 2009-2013 the average annual surplus has been of €1,7 million (including the negative result in 2013). Based on these results, it is very prudently assumed that an average of €1 million surplus might become available for the purpose of financing the capital replacement costs;

(b) *Surplus from one-time payments*

Excess contributions to the permanent premises project have been paid by 11 States Parties, for a total amount of €1.84 million. At the time of final calculations, on 30 June 2016, this provisional sum will become final, and States who would have overpaid are entitled to have their share in the project surplus returned. The Committee proposes that the surplus is instead retained (in the Capital Fund, if this is established) and calculated to offset future contributions due by the same States Parties against the long-term capital replacement costs, not differently from what normally happens with the return of any surplus in the annual budget cycle;

(c) *New States Parties' contributions*

While there is no safe expectation possible as to the amount of funding that might become available from future accessions of States to the Rome Statute, in the long-run this might hopefully become a reality, which would also ensure that all States Parties equally contribute to the ownership of the premises.

16. **Budgeted resources** are assumed under the scenarios/targets (1) and (2) on the assumption that other non-budgetary funding sources (i.e. surplus and new States Parties contributions) would not provide a sufficient degree of certainty. The three scenarios address the use of budgeted resources as indicated below.

17. Scenario 1): As detailed in the conclusions of the working group, it aims at providing full funding and financial certainty over the 50 year period and, for this reason, it requires a flat assessed contribution of €4.3 million per year.

18. Scenario 2): It only aims at addressing the low to medium cost spikes over the period, while it postpones to further consideration a mechanism for full funding, upon a thorough cost review. If this scenario was selected, the following assessed contributions would be needed:¹⁶

1. Annual fixed contribution: €500,000.

19. A fixed contribution of €500,000 would be accumulated with priority for the Revolving Fund, starting in 2017, so as to ensure that its maximum level of €5 million be reached over the first ten years, irrespective of the availability of the other funding source, i.e. surplus that might become available from the financial years 2016-2017 (assuming that the 2014-2015 surplus will be absorbed by the funding needs of the permanent premises project). With the very conservative assumptions that no more than €1 million surplus per each of 2016-2017 years will become available, and that an amount of €2.0 million is used for urgent repairs over the first ten years, the fund would remain in balance after ten years, i.e. in 2026.

20. Instead, if the maximum level in the Revolving Fund is achieved earlier (higher than the €1 million assumed surplus per year becomes available), the annual €500,000 contribution would be used to fund the Capital Fund. In any case, after 2026 the likelihood of the use of the Revolving Fund should be further reduced, as medium-term capital replacement plans (3 to 5 years) would allow for refined budgeting to be funded through the

¹⁶ Under this scenario, the contribution plan for States Parties would be as follows: (a) From 2017: €500,000 per year, to finance the Revolving Fund and, when in excess of the maximum amount thereof (€5 million), the Capital Fund; (b) From 2021: additional €1 million per year to fund the Capital Fund, and (c) Additional €259.3 million would be needed to fund four major spikes in 2036, 2041, 2051, and 2056, following the cost review. A funding mechanism will have to be established that takes into account options such as one-time payments, loans, and/or annual flattened contributions.

Capital Fund. This would allow to more safely rely on the fixed annual contribution to replenish the Capital Fund;

2. Contributions against medium-term plans low to medium spikes: €1.0 million

21. Since the Assembly will be called on to approving medium-term plans (3 to 5 years projected capital replacement costs) effective from 2026 (Year 11), preparation for such plans should include a multi-annual contribution to ensure its funding. Medium-term plans for the period 2026 to 2064, with the exception of the four higher spikes assumed by the WGTCO, might be safely funded with a flattened contribution of €1.0 million. This amount would be in addition of the €500,000 that would become available when in excess of the maximum level of the Revolving Fund, minus an assumed 20% that might be needed for replenishments of the latter, depending on its actual use (i.e., in 10 years, €5 million, minus €1 million, or €400,000 per year). A total of €1.4 million would thus be accumulated in the Capital Fund every year, starting in 2021, for the purpose of covering low to medium-term spikes (€1-12 million) in the period 2026 to 2064, and keeping in reserve as of 2026 an amount of €5 million (contributions from 2012 to 2026). As a result, the following amounts would become available to cover such costs, to be incurred in the periods indicated below (as estimated by the WGTCO):

2021-2025	(5 years)	=	€5 million	(reserve in Capital Fund)
2026-2035	(10 years)	=	€4 million	(against approx €8 million spikes)
2036-2040	(5 years)	=	€7 million	(against approx. €6.5 million spikes)
2041-2050	(10 years)	=	€4 million	(against approx. 10 million spikes)
2051-2064	(14 years)	=	€5.4 million	(against approx. 16 million spikes).

22. Consequently, with a flattened €1 million assessed contribution levied in the period 2021-2064, low to medium level spikes would be covered, and a total of approximately €16 million would remain available to partially fund major spikes.

3. Contributions against the four significant spikes

23. The higher spikes assumed by the WGTCO would materialize in 2036 (€50.1 million), 2041 (€72 million), 2051 (€41.8 million), and 2056 (€95.4 million). The WGTCO cost estimate brings the total for these spikes, only, to over €248 million. Because of such significant amount, dealing with these spikes under the “scenario” approach with the aim to providing financial security prior to the required cost review to be conducted over the period 2017-2018, might be pure speculation. It is rather suggested that this matter be addressed once revised cost estimates will become available, which would enable planning with sufficient advance for the first such spikes, in any case not later than ten years ahead of it, i.e. in 2026. Meanwhile, the funding scenario for the low to medium spikes would provide some measure (€16 million) of certainty on the resources needed;

24. Scenario 3). No use of budgeted resources would be made. It is assumed that States Parties would not agree to establish neither the full-fledged fund under scenario (i) proposed by the working group, nor the more limited funds under scenario (ii) (Revolving Fund and Capital Fund). Future capital replacement cost, at the current stage, would only be addressed by non-budgeted resources, i.e. surplus and new States Parties contributions.

25. **Management of resources.** The Committee is mindful that under any of these scenarios/funding targets resources, either assessed contributions or/and extra-budgetary ones, will need to be managed within the reserves of the Court, as multi-annual funds. However, the scenarios address this matter from a different perspective. While Scenario (1) would leave to the authority of the Court the management of the fund, without a role for an ad hoc body of the Assembly, Scenarios (2) and (3) would in any case subject decision making to the control authority of a Premises Committee of States Parties.

26. **Funding mechanism.** The Committee is recommending that the Assembly decides at its fourteenth session on the establishment of a strong governance framework for the total cost of ownership, which is required to ensure that long-term costs are adequately revised,

and preparations for the organization and the funding of such costs remain under control of States Parties.

27. At the same time, the Committee endorses the recommendation of the Committee on Budget and Finance, that “a measure of reserves [...] is not an immediate issue [while] it needs to be addressed in the near future.”¹⁷

28. From this perspective, the Committee recommends that a positive decision is made on the use of extra-budgetary resources (future surplus and contributions of new States Parties), while a decision on the use of budgeted resources (assessed contributions), in a context of sustainability for States Parties and in light of the achievements of the cost review exercise, is deferred upon further consideration by the Committee in 2016, and by the Premises Committee in 2017-2018.

C. Costs

29. As concurred by the Committee on Budget and Finance, the future projected costs will need to be further reviewed,¹⁸ in particular in light of existing standards and practices in other International Organizations (international public sector). However, considering that capital replacement costs would not be factored in for the first ten years, the Committee is convinced that the cost review could be safely conducted in the period between 2017 and 2023, in preparation for the adoption of a first medium-term capital replacement plan. The Committee suggests to conduct the cost review in good time, over the period 2017-2019.

30. As to the suggestion by the Committee on Budget and Finance that scenarios be developed illustrating the amount and time profile of these costs,¹⁹ the Committee is mindful of the costing exercise conducted by the working group in 2013-2014, based on assumptions that included the full preservation of the asset value until the end of its lifetime, and standard quality levels in the Dutch market (“condition scores”).

31. While noting that a precise definition of the amount and timing of capital replacement costs to be incurred in the next 50 years requires a thorough review of the needs for the all the building elements, based on their lifetime expectancy and conditions of maintenance, at this stage the Committee can define the criteria that should be followed in the indicated 2017-2019 period to achieving such scenarios in a reliable manner and consistently with their political feasibility.

32. The Committee considers that, in order to achieve a meaningful cost review, this exercise should be conducted as follows:

(a) Application of practices of the international public sector. In particular, practice of the private sector should not be considered,

(b) Consider the experience developed at the seat of major International Organization, primarily in Geneva and Vienna where, for the vicinity to The Hague and the extension of the Headquarters, significant contributions can more easily be provided,

(c) Lifetime of assets and level of maintenance (condition scores) should strictly follow the experience of the international public sector.

D. Work Plan

33. A **work-plan** for conducting the necessary cost review and funding mechanism analysis should include the following basic steps:

2017

- Conduct a survey of the long-term capital replacement amount and timing of costs, as well as of the funding models. Such survey should cover the major International Organizations, including at UN Headquarters in Geneva and

¹⁷ ICC-ASP/14/15, *Report of the Committee on Budget and Finance on the work of its twenty-fifth session*, dated 22 October 2015, para. 172.

¹⁸ ICC-ASP/14/15, *Report of the Committee on Budget and Finance on the work of its twenty-fifth session*, dated 22 October 2015, para. 172.

¹⁹ *Ibid.*

Vienna, and host States of such International Organizations. Lessons learnt from Vienna and Geneva appended to this report can be further discussed with the responsible officials. Ad hoc meetings or seminars may be convened.

2018

- Revise the cost estimates in light of the findings of the survey, so as to ensure adherence of lifetime expectancy of the different building elements and maintenance levels to international practice,
- Develop a funding model that would ensure certainty on the funding of the four major spikes in 2036, 2041, 2051, and 2056. Such model should ,
 - o Take into account a combination of one-time payments, loans, and/or annual flattened contributions,
 - o Ensure that contributions are calculated and assessed sufficiently in advance of the capital replacement events, also taking into account any uncertainties on non-budgeted resources (surplus and new States Parties contributions), while preserving the fairness of the system, so as all States are treated equally, and
 - o Overall, ensure the sustainability for States Parties over the long period.

2019

- Decisions of the Assembly operationalizing the funding mechanism (schedule for the collection of assessed contributions against the revised costs, and/or approval of loans).

34. A more detailed **roadmap** is appended, which should be subject to annual review at the initiative of the governing body.

E. Governance

35. The required ownership role of States Parties, the lessons learnt, and the apparent significant scope for organizational and functionality economies over the long-term suggest that, at this stage, the Assembly should adopt policy decisions for a safe and sustainable governance and financial context that will ensure that the premises, over the long run, provide performance and appropriate preservation of the investment value, at the same time attracting constant support by all stakeholders.

36. The External Auditor has recommended that the Oversight Committee be transitioned to a future representative organ of States Parties, within a clear framework aiming at preventing ambiguities between governance and management at the ICC.²⁰ The new governance structure recommended by the Committee takes into account the lessons learnt and indications received by it, as well as the need for States Parties to act as policy decision-makers, at the adequate level, while availing themselves of the required technical expertise and advice of existing oversight mechanisms. The Committee on Budget and Finance has also recognized that the experience of the Oversight Committee bears witness to the benefits of strategic guidance from the Assembly, and of the need to have timely access to needed information;²¹

F. Assurances

37. The Total Cost of Ownership has important financial implications for States Parties, and is to remain a current matter over the lifetime of the premises. Consequently, the Committee is convinced that the implementation of any decision taken by the Assembly at

²⁰ ICC-ASP/14/12, *Audit report on the financial reporting and management of the permanent premises project, 2014 financial year*, dated 4 August 2015, paras. 117-121, *Recommendation 5*. It is referred to alternative solutions as to either give responsibility to the CBF (as it is the case for the renewed Audit Committee), or by establishing an independent committee.

²¹ ICC-ASP/14/15, *Report of the Committee on Budget and Finance on the work of its twenty-fifth session*, dated 22 October 2015, para. 173.

its fourteenth session should remain within the advisory scope of both the Committee on Budget and Finance and of the External Auditor. Under the oversight of the Premises Committee and with the recommendations of both the assurance mechanisms, the Assembly will in future be able, if needed, to adapt the implementing process as required. The Committee will include in its future reports to the Committee on Budget and Finance any relevant update.

Annex III

Roadmap

2016

Financial reporting

Upon the audit of the project and the recalculation of contributions (June-July), the Oversight Committee submits its final financial report to the advice of the Committee on Budget and Finance (September) and finally to the fifteenth session of the Assembly of States Parties.

Governance

The Oversight Committee is terminated at the fifteenth session of the Assembly, and full functions are assumed by the Premises Committee.

2017

Cost and funding

A survey of the long-term capital replacement model and costs is conducted. Such survey should be conducted across the major International Organizations, including at UN Headquarters in Geneva and Vienna, and host States of such International Organizations.

Contributions

States Parties start to be assessed contributions of €500,000 per year, to finance the Revolving Fund and, when in excess of the maximum amount thereof (€ million), the Capital Fund.

2018

Cost

Cost estimates are revised in light of the findings of the survey, so as to ensure adherence of maintenance level to international practice.

Funding

A funding model is developed, that would ensure certainty on the funding of the four major spikes in 2036, 2041, 2051, and 2056. Such model should.

Take into account a combination of one-time payments, loans, and/or annual flattened contributions.

Ensure that contributions calculated in advance can be lowered in following years, depending on the availability of non-budgeted resources (surplus and new States Parties contributions), while preserving the fairness of the system, so as all States are treated equally.

2019

Funding

Decisions of the Assembly operationalizing the funding mechanism (schedule for the collection of assessed contributions against the revised costs, and/or approval of loans).

2021*Contributions*

States Parties start to be assessed additional €1 million contributions per year, to finance the Capital Fund. Including yearly contribution to the Revolving fund, assessed contributions reach annually €1.4 million.

2023

First medium-term plan preparation, for the period 2026-2030.

2026

Revolving Fund reaches target €5 million.

First medium-term plan starts.

Second medium-term plan is prepared, for the period 2031-2035.

Third medium-term plan is prepared, for the period 2036-2040.

Asset value is depreciated at 90%, for the purpose of new States Parties contributions.

2034

Project Director is recruited, in preparation of major project of 2036 .

2037

Third medium-term plan is prepared, for the period 2041-2045.

2039

Project Director is recruited, in preparation of major project of 2041.

2049

Project Director is recruited, in preparation of major project of 2041.

2054

Project Director is recruited, in preparation of major project of 2056.

Annex IV

Contributions of new States Parties

1. Differently from other international organizations, the premises of the International Criminal Court are provided - and their value will in future be maintained - by assessed contributions of States Parties. Based on the sovereign equality of States, since it is the membership of the Rome Statute that benefits of the premises, the same membership should also equally participate in the liabilities (costs) for such asset. Absent a participation in the permanent premises cost by new States Parties, they would unfairly benefit from the contributions of those States that had acceded earlier to the Rome Statute.

2. Also, current States Parties have either contributed in advance against the investment costs (one-time payments) or will be contributing over the long-term, in a period of thirty years, through the reimbursement of the host State contracted loan. Should new States Parties accede over the same period, they would be benefiting of an asset they do not contribute to, while other States will still be paying for it.

3. New States Parties required to pay for the permanent premises project costs would not be assessed retrospectively of such costs. Since the project is providing an asset whose expected lifetime is well into the future, a cost-sharing mechanism would also be fair for all those States that would join the Court within the asset's life.

4. Contributing against the asset value is not expected to represent a discouraging factor for States to accede to the Rome Statute, as their financial obligation would be aggravated. At the current stage of the Court's universality, the choice to participate into the Rome Statute's system seems hardly to be dependent on financial considerations. The advantages that membership brings to States Parties should rather be assessed against the political debate and the consensus that the Court may attract for the accomplishment of its mission.

5. A fair, sustainable, simple, functional and transparent mechanism for sharing the permanent premises project costs among the present and future membership is hereby established, based on the following:

(a) New States Parties shall be assessed against the total cost of the permanent premises project calculated as follows:

- (i) Inclusive of total project costs¹ (including aggregated construction, transition, and organizational costs),² over the project period 2008-2016,
- (ii) Lifetime of asset = 100 years,³
- (iii) Value of asset = 100% over the first 10 years (2016-2025),⁴ and 90% after that,⁵

(b) Payment of new State Parties' contributions shall be treated as follows:

- (i) Based on the scale of assessment applicable at the time of accession of any new State Party,
- (ii) Not lead to any re-calculation of contributions assessed for other States Parties,
- (iii) Credited to a Capital Fund, to cover the long-term costs of the permanent premises,
- (iv) Made in 1 to 10 annual instalments, starting from the date of entry into force of the Rome Statute.⁶

¹ Currently estimated at €13,617,600, including €206,000,000 for the unified project budget, and €7,617,600 for budgeted organizational costs. See ICC-ASP/14/33/Rev.1, annex IV.

² Expenditures of PDO (MO VII-1) and the Court (POPP) throughout the project, 2008-2016.

³ The period is based on the experience of FIPOI (*Fondation des Immeubles pour les Organisations Internationales*), a Swiss foundation that runs a multi-billion asset value for the purpose of hospitality of International Organizations.

⁴ It is assumed that no long-term maintenance and capital replacement will take place in the period.

⁵ The percentage is arbitrary, taking into account that it is not possible at this stage to anticipate what will be the choices that will be made over the long period.

⁶ Article 126, para. 2, of the Rome Statute.

Annex V

Members of the Oversight Committee¹

African States

1. *[Minimum requirement]*

Asian and Pacific States

2. Japan
3. Republic of Korea

Eastern European States

4. *[Minimum requirement]*

Group of Latin American and Caribbean States

5. Chile
6. *[To be filled]*

Western European and Other States

7. France
8. Germany
9. *[To be filled]*
10. *[To be filled]*

¹ As of 24 November 2015.

Annexes

Annex I

Report of the Credentials Committee

Chairperson: Mr. Juan Enrique Loyer Greene (Chile)

1. At its first plenary meeting, on 18 November 2015, the Assembly of States Parties to the Rome Statute of the International Criminal Court, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, appointed a Credentials Committee for its fourteenth session, consisting of the following States Parties: Bosnia and Herzegovina, Chile, Côte d'Ivoire, Denmark, Estonia, Liechtenstein, Mali, Samoa, and Venezuela (Bolivarian Republic of).

2. The Credentials Committee held 2 meetings, on 18 and 26 November 2015.

3. At its meeting on 26 November 2015, the Committee had before it a memorandum by the Secretariat, dated 26 November 2015, concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the fourteenth session of the Assembly of States Parties. The Chairperson of the Committee updated the information contained therein.

4. As noted in paragraph 1 of the memorandum and the statement relating thereto, formal credentials of representatives to the fourteenth session of the Assembly of States Parties, in the form required by rule 24 of the Rules of Procedure, had been received as at the time of the meeting of the Credentials Committee from the following 66 States Parties:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, Namibia, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, Serbia, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, and Venezuela (Bolivarian Republic of).

5. As noted in paragraph 2 of the memorandum, information concerning the appointment of the representatives of States Parties to the fourteenth session of the Assembly of States Parties had been communicated to the Secretariat, as at the time of the meeting of the Credentials Committee, by means of a cable or a telefax from the Head of State or Government or the Minister for Foreign Affairs, by the following 22 States Parties:

Bangladesh, Botswana, Burkina Faso, Colombia, Croatia, Ecuador, Gabon, Gambia, Georgia, Liberia, Mongolia, Nigeria, Panama, Paraguay, Philippines, Senegal, Sierra Leone, State of Palestine, The former Yugoslav Republic of Macedonia, Tunisia, United Republic of Tanzania and Uruguay.

6. The Chairperson recommended that the Committee accept the credentials of the representatives of all States Parties mentioned in the Secretariat's memorandum, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretariat as soon as possible.

7. On the proposal of the Chairperson, the Committee adopted the following draft resolution:

“The Credentials Committee,

Having examined the credentials of the representatives to the fourteenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, referred to in paragraphs 4 and 5 of the present report;

Accepts the credentials of the representatives of the States Parties concerned.”

8. The draft resolution proposed by the Chairperson was adopted without a vote.
9. The Chairperson then proposed that the Committee recommend to the Assembly of States Parties the adoption of a draft resolution (see paragraph 11 below). The proposal was adopted without a vote.
10. In the light of the foregoing, the present report is submitted to the Assembly of States Parties.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the Assembly of States Parties to the Rome Statute of the International Criminal Court the adoption of the following draft resolution:

“Credentials of representatives to the fourteenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Having considered the report of the Credentials Committee on the credentials of representatives to the fourteenth session of the Assembly and the recommendation contained therein,

Approves the report of the Credentials Committee.”

Annex II

Closing remarks of the President of the Assembly at its 12th plenary meeting, on 26 November 2015

1. Distinguished delegates, it has been a long journey. But we have also made this journey in a spirit of cooperation and with a determination to build a strong consensus. This is what we have done today in agreeing, in particular, on the requests from Kenya and South Africa. We managed to reach a result which was not easy to find, and I am delighted that this result respects the independence and integrity of the Court and the legislative function of the Assembly of States Parties.
2. The art of repetition is pedagogical in nature. If we repeat ourselves it is because we have convictions, and we want to share them. Three key points underpin my message:
3. First of all, I would like to reiterate my belief in the International Criminal Court (“the Court” or “the ICC”). It is a battle that I have been engaged in for thirty-five years. Indeed, I was a founding member in 1995 of the Coalition that has just taken the floor – a coalition which today includes 2,500 non-governmental organisations – and I was originally part of its steering committee.
4. I would like to state that the international campaign that allowed us to reach this outcome was conducted with the goodwill of a certain number of States, with whom, after the tragedies which shook our consciences, in the Balkans, in Rwanda, we came up with the idea of a permanent international jurisdiction.
5. The Rome Diplomatic Conference led to the creation of the International Criminal Court; a wish that has been in existence for over 100 years. This Court, that was hoped for, expected, wanted, has now become a reality.
6. Yesterday’s utopian vision has become today’s truth.
7. We also wished for the Court’s Statute to enter into force, so we spearheaded the campaign, agreeing that each one of us had to first focus our efforts in our own respective country. In Senegal, we were proud to become the first country to ratify the Rome Statute. In achieving this, we counted on the support of President Abdou Diouf.
8. In a similar vein, we said that the philosophical, moral and legal values and principles of the Statute must also be universally shared. Thus, we conducted a campaign in Africa. We can now count among us 34 African States Parties, which is the most representative group of States. I criss-crossed Africa, in concert with the full spectrum of national and regional civil society organisations, to achieve this objective.
9. And when the Statute came into force, we wanted the Court to be operational. And as you are aware, the Court’s first decision – decision 001 of 17 January 2006 – following an investigation in the Democratic Republic of the Congo, was in relation to a submission from the International Federation for Human Rights (FIDH), which I then headed. Our submission was successful.
10. And we said that perpetrators of crimes, wherever those crimes have been committed, must be prosecuted. And these were not just empty words: in my capacity as Minister for Justice of my country and Keeper of the Seals, we embarked upon a trial of historic importance for the African continent, one which opened in Dakar on 20 July 2015 before the Extraordinary African Chambers.
11. Hissène Habré, who was President of his country for eight years, from 7 June 1982 to 1 December 1990, finds himself on trial in Senegal, with all due respect for the principle of the presumption of innocence. To ensure a fair and equitable trial, even though he did not want legal representation, he was appointed counsel, for it is important that every person should have the right to legal representation, however horrific or monstrous his or her alleged crime might be. A defendant’s right to counsel is sacred. We are in the business of legislation building but we are also about judicial action, which must show that impunity cannot prevail. And in this case, which deals with a former Head of State, it was the African Union that asked Senegal to put him on trial.

12. This brings me to my second key point: the negative perception of the International Criminal Court in Africa. Should the *status quo* remain in place? You have heard the criticisms: selective justice, discriminatory justice, “pick and choose” justice, two-speed justice, white man’s justice against the others. Well, I personally could not accept this. And when I submitted my candidature for the position of President of the Assembly, having remarked on this aspect, I identified four courses of action to be followed, the first of which being to effect reconciliation between Africa and the ICC.

13. There is a sense of unease, in that the largest regional group is made up of African States, and yet it is threatening to leave the Court. Let us recall that the idea of universality is to gather strength in numbers, not to see numbers diminish. Universality aims at bringing us together, not dividing us. We cannot let this region of the world leave the International Criminal Court when our objective is to achieve universality.

14. We reiterate that we must not believe that Africa is against the International Criminal Court. Nearly all of the cases before the ICC have been submitted by African countries: Thomas Lubanga, Joseph Kony, Jean-Pierre Bemba, Laurent Gbagbo. The only two situations that were referred to the Court by the Security Council concern Darfur and Libya.

15. I wish to stress that universality is a task to which we must devote ourselves. Three eminent members of the Security Council are not States Parties to the Statute. There is thus a large part of the world, and a significant number of potential victims that are not protected by the Statute, that do not have access to justice but who need justice. This is the reason why I have said that we must work towards achieving universality.

16. I have also said that we must work towards cooperation because the Court has neither police nor military capacity. It is the States Parties that carry out investigations, who follow through and execute the requests of the Court. Cooperation is fundamental. I wish to thank the co-facilitators who work on this.

17. I have said before that we must work on complementarity as the Court prosecutes the highest-ranking perpetrators of the most serious crimes. National judicial systems must function well as the Court cannot prosecute all crimes that fall within its jurisdiction. I also recalled that, for the Court, a sign of success is having less work. For, in the interests of pedagogy, justice should be rendered *in situ*, in the place where the crimes have been committed, with the presence in court of perpetrators and victims.

18. As a last point, I would like to recall that the judges of the Court swear an oath before the President of the Assembly of States Parties. In their countries, they render justice in the name of the people. Here, it is in the name of humanity, as they prosecute crimes which offend our universal conscience. I will always insist on the fact that their independence and integrity must be guaranteed, in my country this is the essence of my work – my public function.

19. Is it conceivable to think that the Assembly can write the decisions of the judges? We must have faith in their ability to defend their independence, which we defend as well, and over which I shall keep a watchful eye. For the hope of justice is fulfilled through a fair and equitable trial; an impartial trial, with witnesses. A trial without witnesses is like a broken compass. The same applies for a trial without the presence of victims. By ensuring these elements, we can avoid reaching a partial truth, or one that is biased or partisan. The truth that we seek is expressed through independence and is based on our desire to state the law, the law, the law which cannot be contested in any judicial system.

20. In conclusion, I must say that we have achieved a lot during this session. The resolutions have all been adopted unanimously, attesting to the progress made. Let me take this opportunity to convey my gratitude to all those who have worked to this end, who have given their time and committed themselves to the process. All of the documents drawn up for the session – regarding complementarity, cooperation, budget, permanent premises, efficiency and organisation of the Court, and the omnibus resolution – have been of a high technical quality. Having listened to the declarations made here, it is clear that there is a will to push forward towards the purpose that unites us: our common struggle in the fight against impunity and for justice for victims.

21. This is why I would exhort all States to cooperate with the International Criminal Court, I exhort them to commit to the universal ratification of the Statute, I exhort them to incorporate into their national legislation the norms enshrined in the Rome Statute, I exhort them to ratify the Kampala Amendments and to endorse the totality of the rules and immunities that the Court needs in order to properly exercise its mandate on the ground. I exhort the States Parties to reinforce the Office of the Prosecutor by providing it with the requisite means to do its job, wherever it is called upon to do so in the world, and thus invalidate the criticism that the ICC is only focused on Africa.

22. I do not hold with theories based on race when it comes to justice. I do not believe that justice has a colour. I simply refer to justice. And this feeling is deeply rooted in all human beings. And when people are living in a place where there is no justice, what could be more normal than to go and search for it where it exists? In that sense, the International Criminal Court can be a vector for peace: peace through justice. It must be defended and we will defend it with our all might. We will also work towards its universality.

23. I would like to bring my address to a close by sharing with you some words confided in me by a victim at the opening of the trial against Hissène Habré on 20 July 2015 in Dakar. Let me quote: "It is the best day of my life, even if I have had to wait 25 years. I am finally in the same room as Hissène Habré. I can look him straight in the eye. I feel no hatred. I have no feelings of vengeance because the act of revenge is not an act of justice. The hope that dwells within me is shared by all the victims of the world. Let us not deny these victims of hope, whoever they may be, whatever colour they may be. Because this hope is an immeasurable source of life."

24. Let me thank you for your kind attention.

25. I hereby declare closed the fourteenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Annex III

Statement by Canada in explanation of position after the adoption of resolution ICC-ASP/14/Res.4 at the 12th plenary meeting of the Assembly, on 26 November 2015

1. Canada wishes to note for the record that we have joined consensus on the omnibus resolution.
2. Consistent with Canada's statements made during the general debate at this Assembly and during the resumed thirteenth session of the Assembly in June, as well as its note to the depositary to the Rome Statute, we have accepted operative paragraph 1 of the omnibus resolution without prejudice to Canada's position on the matter of Palestinian statehood and accession to the Rome Statute and without prejudice to decisions taken for any other purpose, including decisions of any other organizations or organs of the Court regarding any legal issues that may come before them.

Annex IV

Statement by Canada on behalf of 34 States¹ in explanation of position after the adoption of the report of the fourteenth session of the Assembly at its 12th plenary meeting, on 26 November 2015

1. Mr. President, we express appreciation for the efforts of the many delegations that have worked very hard to arrive at the text we have adopted. We have asked for the floor to record our position.
2. We share the vision and understanding of all those States present in Rome in 1998, that the ICC is an independent judicial body and as such must be free from political interference.
3. In the course of our negotiations, we have heard all delegations affirm their respect for the Rome Statute.
4. We urge all States Parties to continue to work together in a spirit of cooperation in pursuit of our common goal of ending impunity and delivering justice for the victims of the most serious crimes of concern to the International community as a whole.

¹ Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

Annex V

Statement by Switzerland after the adoption of the report of the fourteenth session of the Assembly¹ at its 12th plenary meeting, on 26 November 2015, on behalf of Austria, Liechtenstein and Switzerland

1. Mr. President, I have the honour of delivering the following statement on behalf of Austria, Liechtenstein and Switzerland.
2. We have not blocked consensus on the document just adopted in a spirit of compromise and utmost flexibility, but not without serious concerns on both substance and process. We would like to acknowledge though the hard work that went into the preparation of the report and thank all those involved.
3. Mr. President, the strength of the Rome Statute system lies in three factors:
 - (a) Voluntariness: States Parties signed up to the Rome Statute because they are convinced that it is in their long-term interest and that of the world. We are here, because we want to be here.
 - (b) Inclusiveness: It is a sovereign right of every State to join the Statute. The ambition is universal, no one is left behind.
 - (c) A common sense of purpose: We are united in the fight against impunity and the quest for justice for the victims of the worst crimes.
4. Mr. President, the Court, a court of law, is the centrepiece of the system. The Assembly's role is to provide strategic oversight and support to the Court, not to get involved in matters that pertain to the Prosecution or the Judiciary. Rather, the Assembly must preserve the integrity of the Statute and fully respect the Court and its independence.
5. Regarding paragraph 61 of the report, we would like to state for the record that this understanding only reflects the precise meaning of resolution ICC-ASP/12/Res.7, operative paragraph 2, which emphasized article 51, paragraph 4, of the Rome Statute.
6. So much on substance, now on process:
 - (a) The Assembly's own work has to be guided by respect for all voices, those of each and every State Party, observers, civil society representatives and, of course, of the Court.
 - (b) The proceedings of the Assembly must be conducted in a spirit of inclusiveness and full transparency. Each and every delegation must be allowed to be heard and to take part in the decision making on an equal footing. Procedures, once established by this Assembly, need to be followed or be amended by this Assembly. We believe we should not follow the precedent to appoint representatives of geographical groups to discuss matters of substance.
7. Mr. President, in moving forward, we all need to remind ourselves of the guiding principles and strengths of the Rome Statute system, and act accordingly.
8. Mr. President, we would kindly ask that this statement be reflected in the records of this session of the Assembly.

¹ Part I of these Official Records.

Annex VI

Statement by Kenya at the 12th plenary meeting of the Assembly, on 26 November 2015

1. Mr. President, Kenya is proud to be here once again at the Assembly of States parties. This is now our fourteenth session and Kenya has been in attendance at every session over the past 14 years. This Assembly, like that of 2012, has proven to be a milestone Assembly of significant importance. During this Assembly, we have addressed and attended to a number of critical issues on our agenda, most of which have been picked up in the reportage in the context of the omnibus resolution while others are picked up in supplementary agenda items that address the concerns of both Kenya and South Africa.

2. Many of the issues contained in the adopted omnibus resolution are of crucial importance to the future of the Assembly on the work of the International Criminal Court and as such, Kenya has remained engaged in both of the processes of the general debate as well as on the debate around the omnibus resolution.

3. Mr. President, Kenya came to this Assembly with one of the largest delegations of any country. This was no accident. It was indeed a significant signal that Kenya not only looked to this Assembly as an important place to conduct its multilateral business but that the issues that were being discussed are of important political, social and legal significance to our country. The negative impact to peace and stability of Kenya occasioned by the ongoing trials is also a factor in the large delegation present here, including the presence of our Defence Minister. It is our hope that no one interpreted Kenya's large presence here as anything but a sign of our ongoing commitment to the development of fair international jurisprudence.

4. Now we believe the negotiations at this Assembly have been candid and, after an unnecessarily protracted process, we have been able to clarify what our common intention was at the twelfth session of the Assembly. I can assure you, Mr. President, that we shall be alive and alert to everything that will happen in respect of this resolution. Indeed, it will be a test of whether our voices have been listened to or not.

5. At the commencement of this Assembly, we indicated that the Assembly must address the crisis currently brewing largely occasioned by perceptions of unequal treatment and biased prosecutions witnessed since the inception of the Court. To do this, we urged the Assembly to find refuge in the universal values of good faith, rule of law, fairness and equality amongst nations, in the pursuit of justice for all, consistent with the United Nations Goal Sixteen of Agenda 2030 and Africa Vision 2063.

6. Kenya had initially proposed for adoption by the Assembly comprehensive language, which more completely captured the consensus from two years ago. It is imperative to note that not one State Party has contradicted our position that two years ago, the agreement was that the amendment would not be applied to the Kenyan Situation. The proposals were couched in specific text which has been modified, in a show of immense flexibility, to accommodate the views and concerns of other delegations and in order to reach the consensus that we now present to the Assembly.

7. In exercise of the legislative powers of the Assembly in article 112 of the Rome Statute, this fourteenth Assembly, after painstaking negotiation, has provided unambiguous clarity to the temporal scope of the application of rule 68, and that it does not apply retroactively to the cases that had commenced before November 2013, including all those in the Kenyan Situation who were under investigation or prosecution at that time. This is our understanding as we leave this august Assembly.

8. Kenya and Africa have negotiated in good faith as we did in 2013. While serious doubts have been cast on the credibility of the commitments of this Assembly, it has become quite clear that Kenya and Africa continue to hold the Rome Statute framework as a critical bastion of justice. Good faith, cooperation, and mutual respect have today triumphed over cynicism and bias. Our faith in the Rome Statute system which had been

jolted can, however, only be reinforced if this negotiation's outcomes receive judicial imprimatur in Court.

9. When Kenya through the Petition of 190 MPs sought the invocation of article 112(4) to operationalize the Independent Oversight Mechanism and have the Mechanism seized with complaints of witness procurement by the OTP in the case against its Deputy President, it was not doing so with nefarious intentions. Rather, it shared the concerns of other States Parties that absent oversight, any institution or actor can become an end unto themselves rather than an instrumentality of fair dispensation of justice. To allow any institution of justice to act in the pursuit of predetermined outcomes flies against the imperative of fair play and undermines the credibility of the Court. Worse, an outcome built on an unfair and jaundiced process would provide Pyrrhic victory to victims in the short-term and re-traumatize them in the long run. We note this Assembly's resolution to expedite the IOM and to make it functional and responsive in the near future to credible complaints against conduct of Court and prosecutorial officials and their agents and intermediaries.

10. There are those who feared that this Assembly was being urged by Kenya to overreach its mandate. Kenya and Africa believe that rather than institutional isolation propounded by some delegations, this Assembly has demonstrated that what is needed to effectuate this system is institutional collaboration. We are therefore confident that a court wedded to this understanding shall respect the powers of the Assembly as an equal governance institution based on the principle of separation of powers and in deference to judicial independence.

11. We must point out that the independence of the Court is founded upon the bedrock of impartiality and accountability. Such independence does not exist in a vacuum but is inextricably tied to the advancement of the rule of law. The rule of law in turn rests on the equality of governance institutions. It is clear therefore that the independence of the Court should never be a conduit for the emasculation of the Assembly or a shroud behind which the Court can tinker with fair trial guarantees with impunity.

12. Despite the comity that now pervades the end of this Assembly, Kenya wishes to express extreme frustration and displeasure at the manner in which States Parties and diplomatic groupings relate to each other in this Assembly. The unacceptable and indeed intolerable levels of mistrust and lack of common cause does not bode well for justice. The debilitating history of negotiations handled in bad faith, duplicity and lack of intellectual and procedural honesty all constitute impediments to unity of purpose against impunity. The subjugation of the multilateral agenda for justice to one continent's interpretation of the law is inimical to the diversity of legal traditions embodied in the Rome Statute. Given that the questions of trust has been a major stumbling block to negotiation at this Assembly, it is our hope that the new understanding arrived at on rule 68's non retroactivity will constitute the leitmotif in the rebuilding of this trust.

13. On behalf of my country and its Government, I am once again grateful for the tireless efforts by the President of the Assembly, whose leadership has been deployed with sensitivity and insight, lending to our Assembly the focus and flexibility it so needed at this time of its existence. I assure you of our continued cooperation and I thank the Bureau, the patience of the delegations and the Secretariat in addressing all the matters that were before the fourteenth session of the Assembly.

Annex VII

Statement by Costa Rica at the 12th plenary meeting of the Assembly, on 26 November 2015

1. Mr. President, on behalf of my delegation, allow me to express our appreciation and gratitude to you, to Vice-President Moerzinger and to all delegations present for your extraordinary effort to give consideration to the discussions held during this Assembly.
2. In spite of our firm stance against any action that could interfere in any way with the judicial functions of the Court, Costa Rica joined the consensus, because my country also understands that in a democratic body such as this one, it is important to give consideration to the issues of concern to other States, even though Costa Rica may disagree with the substance of such positions. Therefore, nothing decided here should be construed as a measure to interfere with or weaken the Court's judicial work.
3. I would like to reiterate our belief that we must trust the International Criminal Court. This trust must be demonstrated by respecting its discretion in the exercise of its judicial functions, which should be conducted with complete independence and impartiality; and this also goes for the actions of this Assembly.
4. We hope that this Assembly will be remembered as one where all States committed to work constructively in order to strengthen a truly universal system of international justice, because in the end the core value of this system must be to provide a measure of justice to the victims of the most heinous crimes. It is because of them and for them that we created and support this system; that much must be clear. That is why we continue the discussions between all States Parties to the Rome Statute.
5. I ask that this statement be included in the proceedings of the session. Thank you.

Annex VIII

Statement by Japan at the 12th plenary meeting of the Assembly, on 26 November 2015

1. Thank you Mr. President; I should be very brief. I would like to express also the appreciation of the sincere effort and constructive flexibility shown by you, Mr. President, Mr. Vice-President, members of the small group and members of the Bureau, as well as the delegation of Kenya during very intensive consultations among ourselves. Where we can reaffirm our full respect for the independence of the Court, we could also address, I hope, the strong concern of member States.
2. As we have stated in the general debate, it is quite essential to continue our effort together, the support of the international community to the Court for the realization of justice.
3. We are very pleased to see the commitment of every member State to this very important institution.
4. Therefore we would like to commend all the efforts of all the member States, so I would like to thank you Mr. President. Thank you very much.

Annex IX

Statement of the Chair of the Committee on Budget and Finance to the Assembly at its 8th plenary meeting, on 21 November 2015

1. Your Excellency Mr. Sidiki Kaba, President of the Assembly of States Parties, I would like to take this opportunity to thank my fellow colleagues from the Committee for their devotion and hard work in the course of the last three sessions, and for the presence and support of the Vice chair of the Committee, Mr. Richard Veneau. I would like to thank the outgoing member of the Committee: Mr. Juhani Lemmik (Estonia), and would like to welcome the new member of the Committee: Mr. Urmet Lee (Estonia), I would like also to thank the Secretariat of the Assembly's staff for their usual support.

2. Your Excellencies, Ladies and gentlemen, It is an honour to present the reports of the twenty-fourth, resumed twenty-fourth and twenty-fifth sessions of the Committee on Budget and Finance. The Committee has again had a very busy year with the two ordinary sessions in April, and September, and an extraordinary session in July. The Committee's workload has considerably increased, and thus we are constantly looking for ways to improve our working methods in order to continue to fulfil our mandate but also to streamline the budgetary process itself in order to be in better position to play our role.

3. In our April session we devoted most of our time to human resources and administrative issues. Taking into account the significant developments regarding the Court's administrative and budgetary management that would take place during the second part of 2015, notably as a result of the implementation of the ReVision project and the presentation of the Strategic Plan 2016-2018 of the OTP, the Committee decided that, in accordance with Rule 1, Section I, of its Rules of Procedure, it would hold a resumed twenty-fourth session in The Hague on the 14th and 15th of July 2015. As you know the main session of September was devoted to the 2016 proposed programme budget, which was as always, the most important and time-consuming subject of the Committee's consideration.

4. In this regard, the Committee would like to reiterate that its role is to examine the budgetary, financial and administrative matters of the Court and to make recommendations to States Parties. To this end, the Committee requires reliable, consistent and clear information from the Court.

5. Without this information, the Committee is unable to contribute to a constructive dialogue between States Parties and the Court and is at risk to limiting its role to validating assumptions or relaying concerns expressed by States Parties, without adding technical value.

6. That said, the process for consideration of the 2016 proposed programme budget from the Court was unprecedented. We examined it very closely and deliberated at length on many aspects. Not only was a large budgetary increase proposed (17.3 per cent), but it also contained a number of complex issues concerning the move to, and financing of, the new permanent premises, the outcome of the ReVision project, the new Strategic Plan for the OTP (2016-2018) and the "Basic Size" concept. This was set against a challenging political context and a difficult budgetary process analysis that sought for a reduction in the proposed increase.

7. I would like to once more acknowledge the Court for its cooperation during the complex weeks, during and after the consideration of the budget. In additional, I would like to stress that at this stage in time we have no technical basis that would allow us to identify further reductions without jeopardizing the Court's ability to deliver on its core activities and fulfill State Parties expectations.

8. Mr. President, the information provided by the Court to the Committee was not always clear, including the budget proposal itself, and this was especially the case concerning requests for and use of GTA. The Committee also received a high volume of additional information to the budget document itself. Recommendations have only been

included where the implications of any reduction were understood and considered to be manageable by the Court, insofar as they would not disrupt its core activities. Following consultation with the Court and consideration of the additional information provided by it, the Committee recommended the adjusted 2016 proposed programme budget amount would thus be €139.96 million, which represents €9.29 million (7.1 per cent) increase with interest for the host State loan, or €8.16 million (6.3 per cent) increase without interest for the host State loan compared to the 2015 approved budget. In reviewing the Committee's recommendations, it is important that States Parties be aware that, in order to limit this increase, a number of the reductions proposed represent postponed spending, and are therefore likely reappear in the proposed budget for 2017.

9. Looking forward, the Committee wishes to continue with its very positive working relationship between itself, the Assembly of States Parties and the Court by focusing its attention in two areas:

(a) The first concerning improvements in the budgetary process by:

(i) A better and more efficient use of the Coordination Council (CoCo) of the Court to lower the risk of presenting overlapping proposals and create a better process to ensure consistency of message and policy of spend across the Court. It would also allow for better identification and execution of efficiencies and synergies due to identification of duplication¹ and streamlining of activities;

(ii) In principle, for documents to be considered they should be submitted 45 days before the Committee's session begins, in both English and French; and

(iii) The budget should present the costs for the following year by firstly highlighting the cost of maintaining current activities; then setting out proposals for any changes to those activities, and then fully costing those activities and the consequences of changing them, including what efficiencies have been identified, or what can be stopped to offset any additional costs.

(b) Explicit context-setting by the Assembly before the budget is prepared – for example, through establishing an “envelope” or framework for future budget years.²

10. Mr. President, I would like to highlight the following points regarding human resources management:

(a) Mandatory age of separation (“Retirement age”):

(i) The Committee noted the section of the Court's report³ on the mandatory age of separation (“retirement age”), and United Nations General Assembly resolution 69/251 of 29 December 2014 to raise the mandatory age of separation to 65 years, with the date of implementation of this decision to be fixed later. The Committee concurred with the Court's recommendation that the mandatory age of separation be increased at the Court from 62 to 65 years, effective 1 January 2016, on the understanding that the decision will have no effect on the acquired rights of current staff.

(ii) The Committee therefore recommended that the Assembly approve the increase in the mandatory age of separation from 62 to 65 years, and approve the necessary changes to the Staff Regulations to achieve this effect.

(b) Geographical representation:

(i) The Committee recalled its earlier concern with geographical representation in the Court. The Committee noted that the Court has offered to work with States Parties from under represented regions to facilitate and encourage more applications from those regions. The Committee also noted the Court's intention to apply the geographical representation principle to all fixed term appointments.

¹No evidence is provided that efforts have been made by the Court to achieve economies of scale; conversely budget duplication has been identified, such as separate budgets for the creation of databases for the Presidency, the Office of the Prosecutor and the Registry; (ref. ICC-ASP/10/14, paras. 68(b), 142 and 455).

²*Official Records of the Assembly of States Parties, Thirteenth session, New York 2014*, (ICC-ASP/13/20), vol. II, part B.2, para. 44.

³CBF/24/17, paras. 76-79 (Report of the Court on Human Resources Management).

(ii) The Committee strongly recommended that the Court take steps to ensure a wider distribution of vacancy notices, and to ensure that such notices are always distributed in both of the working languages (English and French) of the Court.

(iii) The Committee also noted that the proposed conversion of a number of GTA posts to established positions could potentially have an impact on geographical representation and gender balance.

(iv) The Committee therefore recommended that the Court take geographical representation and gender balance into account as it develops its recommendations for the proposed conversion of GTA posts.

(c) Conversion of long-standing GTA-funded positions to established posts:

The Committee noted that the Court had submitted a number of positions currently funded through GTA that had been covering long-term core functions of the Court. Taking into consideration the development of judicial activities and the need to create a more secure and efficient work environment, the Committee recommended that the Assembly approve the conversion of GTA positions to established posts for Major Programme I and II submitted for its consideration.

(d) Contract modalities for short-term (or temporary) appointments:

(i) The Committee noted that the Court was considering the introduction of new type of short-term appointments at the Court. The short-term appointments would accommodate defined, short-term needs of the Court of less than one year (exceptionally renewable for up to a maximum total period of service of two years).

(ii) The Committee took note of the Court's proposal and was generally supportive of it and agreed that it could be provisionally implemented, pending final approval by the Assembly. Furthermore, the Committee also reiterated the importance of ensuring that geographical representation and gender balance are taken into account when considering short-term appointments.

(e) Reclassification of posts:

(i) The Committee had stated in the past that reclassifications were intended to be exceptional and could be both upwards and downwards, and that, under normal circumstances, only a limited number would be foreseen in the yearly budget submission and should not be used as a promotion tool or to justify increased workloads.

(ii) The Committee welcomed the Court's intention to create a Classification Review Board, and also agreed that, in view of the budgetary and financial consequences of reclassifications, the Assembly should continue to hold final approval authority for reclassifications, pending further experience with the Court's new approach.

(iii) The Committee noted that the functions and responsibilities of some posts had changed in Major Programmes I and II, and thus the Committee recommended that the Assembly approve the reclassification of the requested posts.

11. Mr. President, I will move now to the financial matters:

(a) Status of contributions:

The Committee reviewed the status of contributions and noted with concern that the total outstanding contributions, including the regular budget, the Contingency Fund and interest on the host State loan, thus stood at €38,174,961⁴ as of 15 September 2015. The Committee stressed the importance of contributions being paid in full and in a timely manner. Otherwise this may seriously jeopardize the financial funds necessary for the daily operation of the Court. If these

⁴ Outstanding assessed contributions including interest (€03,503)	€30,017,155
Total outstanding contributions including interest (prior years)	€8,151,645
Outstanding contributions-Contingency Fund	<u>€161</u>
Total outstanding contributions	€38,174,961

contributions remain unpaid at the end of the year, it may result in the Court needing to access to the Working Capital Fund.

(b) Financial and budgetary matters

(i) Budget performance:

The Committee noted that the mid-year implementation rate was 56.4 per cent, or €73.66 million, against the 2015 approved budget of €130.76 million. This represents an increase of 4.5 per cent compared to last year's implementation rate of 51.9 per cent as at 30 June 2014. The Court forecasts an implementation rate of 98.0 per cent, or €128.02 million, against the approved budget of €130.67 million, which represents an increase of 1.3 per cent compared to last year's implementation of 96.7 per cent as at 31 December 2014.

(ii) Contingency Fund:

As at 1 January 2015, the opening balance of the Contingency Fund stood at €7.46 million.

As at 15 September 2015, as shown in annex V of the Committee's report for its twenty-fifth session, the total amount of the four notifications was €6,263,800⁵ with a total implementation of €3,328,200 (53.1 per cent).

The Committee stressed once again that use of the Contingency Fund must only be considered when the event giving rise to the request could not have been foreseen or could not be accurately estimated when the budget was drawn up. Such events would include the opening of a new situation or unforeseeable developments in a current case. The Committee urged the Court to continue to maintain very strict budgetary discipline when making requests to access the Contingency Fund. The Committee also encouraged the Court to continue to make every effort to absorb all unforeseen expenditures in the regular budget.

(iii) 2016 proposed programme budget:

The Committee noted that the 2016 proposed programme budget submitted by the Court, of a total amount of €153.27 million, represented an increase of €22.61 million (17.3 per cent) over the 2015 approved budget. The total amount of €153.27 million included interest payment for the permanent premises of €2.2 million. The Committee considered the budget requests by each major programme. After careful consideration of the actual needs, the Committee recommended reductions in each of the major programmes with a total amount of €13.31 million.

(iv) Supplementary Budget:

On 12 November 2015, the Court has submitted a supplementary budget proposal with a total amount of €198,300 setting out the budgetary consequences of new developments of the issuance of an arrest warrant and transfer to the Court of Ahmad Al Faqi Al Mahdi.

Regardless of the limited time to review the request, the Committee considered this submission and thus recommended the Assembly to approve the requested amount.

12. Mr. President, I will move now to the legal aid:

(a) The Committee noted that the original budget request for Legal Aid for the defence had more than doubled from the previous year, an increase of 107 per cent or €2,525,900. The Counsel for Victims was also seeking a double-digit increase of 17 per cent, or €316,400.

⁵ ICC-ASP/14/15, annex V.

(b) The Committee also noted with concern that the amount originally estimated for defence teams in the four article 70 cases was €1,680,400, or more than one-third of the amount to be allocated to the entire legal aid budget.

(c) The Committee expressed its concern with the renewed trend towards sizeable increases in Legal Aid costs, particularly in light of the anticipated growth in activity of the Office of the Prosecutor in the coming years, as well as increased victim participation requirements. The Committee noted the Registrar's intention to undertake a review of the legal aid system at the Court and looks forward to examining the results of that review.

(d) After discussion with the Committee, the Registrar indicated that reductions in the proposed increases, in the amount of €66,200 for the defence and for victims could be realized in light of foreseeable changes in some of the ongoing proceedings. The Committee recommended the Assembly that these proposals be accepted.

13. Mr. President, I will move now to the audit matters:

(a) Financial statements of the Court for the period 1 January to 31 December 2014, and financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2014:

(i) The Committee welcomed the presentation by the External Auditor and expressed its appreciation for the quality of the work produced by him.

(ii) Introducing his reports on the financial statements of the Court and the TFV, and a report on the permanent premises, the External Auditor informed the Committee that the statements were free of material misstatement and presented fairly the financial position of the Court and of the TFV and that he was able to offer an unqualified audit opinion.

(b) Audit Committee:

(i) The Committee reviewed the Charter of the Audit Committee (AC) and noted that it covers all the elements required by the guidelines of the Institute of Internal Auditors. Therefore, the Committee recommended that the Assembly approve the Charter of the Audit Committee.

(ii) The Committee also noted that the Ad Hoc Audit Committee has managed to complete the selection process of three external members for the AC in due time, and selected suitable candidates. The Committee accordingly recommended that the Assembly approve the appointment of the following candidates and two CBF members to be part of the Audit Committee:

- Mr. Samir Abu Lughod (Jordan);
- Mr. David Banyanka (Burundi), CBF member;
- Mr. Jorge Duhalt (Mexico);
- Ms. Laure Esteveny (France); and
- Ms. Elena Sopková (Slovakia), CBF member.

(iii) It was noted that the current term of the External Auditor will come to an end next year after auditing the financial statements of the Court and the TFV issued for the year 2015, and issuing the yearly overall audit report on the financial reporting and management of the permanent premises project. In order to ensure that the Court will have an external auditor continuously in place, the Committee recommended the Assembly, and due to purely technical reasons, that the current term of the External Auditor be extended, without prejudice to the ability of the current External Auditor to seek an extension for a further full four-year term. The Committee recommended that the Audit Committee consider the issue of appointment of the External Auditor in 2016.

14. Mr. President, I will now complete my statement with the permanent premises cost overrun:

(a) At its resumed thirteenth session, the Assembly authorized another top-up of the project budget by €6 million up to €206 million, of which only €204 million are currently estimated to be required. The increase was to be financed only from the Employee Benefits Liability Fund (EBL) and the Working Capital Fund (WCF).

(b) At the same time, the Assembly a) asked the External Auditor to consider any risks attached to reducing the two Funds, and requested the Committee to provide its recommendations thereon; and b) requested the External Auditor to review the project accounts, with an emphasis on the cost overruns, and asked the Committee to analyse those overruns.⁶

(c) The Committee took note of the eight recommendations contained in the External Auditor's report submitted on 13 November 2015 regarding the cash reserves, and appreciated the work and analysis provided by the External Auditor on the subject matter.

(d) The Committee in more than one occasion had reviewed and considered the issue of the cash reserves of the Court, and in particular the EBL and the WCF. The Committee has stressed that the Court's ability to meet its obligations to staff and to its core business must be assured at all times. Unfunded EBL should not be allowed to produce a financial burden with which the organization would struggle in the future, resulting in undue pressure on its core business. At the same level, the WCF should not be used for other purposes than meeting short-term liquidity problems pending receipt of assessed contributions.

(e) Nonetheless, as it was decided by the Assembly to cover the cost overrun from EBL and WCF, and after consideration of the External Auditor's recommendations, the Committee recommended that:

(i) The EBL fund should retain resources to cover the judges and staff liabilities for the amount of €0.7 million for 2016. The remaining balance could be used to partially cover the permanent premises cost overrun, while further analysis by the Committee of the options for a slow build-up reserve to cover such liabilities should allow for it to eventually recommend the appropriate level of the EBL;

(ii) The WCF should be approved at least at its 2015 level of €7.4 million. However, up to €3.3 million could be used to cover the remaining balance of the permanent premises cost overrun. In order to replenish the WCF to its approved level, the Committee recommended that surpluses as of 1st January 2016 and onwards be used for this purpose as a matter of priority;

(iii) As an extraordinary measure, the Committee recommended that the Court to be authorized to obtain line of credit through commercial banking for one year in order to cover the difference between the balance of the WCF and the approved level of €7.4 million. Upon opening the line of credit, the Contingency Fund could be released and utilized as prescribed in the Financial Regulations and Rules. The fees resulting from the line of credit should be absorbed by the Court. The Committee will review the situation and a possible need for further measures in the context of the 2017 proposed programme budget; and

(iv) Forward looking, the Committee recommended the Assembly that in order to maintain budgetary discipline; funds should only be used for the purposes for which they were created.

Thank you.

⁶ For details, see *Official Records ... Resumed thirteenth session ... 2014*,(ICC-ASP/13/20/Add.1), part II, ICC-ASP/13/Res.6, paras. 2-11. It may be recalled that the Assembly, last December already, had approved a first top-up of the project budget from €195.7 million to €200 million without specifying the funding source.

Annex X

Proposed supplementary budget of the International Criminal Court for 2016¹

I. Introduction

1. In accordance with the practice of the International Criminal Court (“the Court”), the 2016 budget assumptions were developed and agreed upon by the organs of the Court based on judicial and prosecutorial work plans for the following year, insofar as these can be accurately estimated as at the end of July 2015.

2. The Court’s proposed programme budget for 2016 was submitted on 7 August 2015. As a consequence, the Court was not in a position to include in its budget proposal the additional requirements for developments that occurred after this date.

3. A major such development was the issuance of an arrest warrant for Ahmad Al Faqi Al Mahdi on 18 September 2015 and the suspect’s transfer to the Court on 26 September 2015. This was following the Prosecutor’s decision in January 2013 to open an investigation in Mali with respect to crimes allegedly committed since January 2012. The confirmation of charges for this case is currently planned for the beginning of 2016.

4. In accordance with regulations 3.6 and 3.7 of the Court’s Financial Regulations and Rules,² the Court hereby submits a supplementary budget proposal setting out the budgetary consequences of such new developments and the appropriate budgetary requirements, which amount to a total of €198,300.

5. Almost half of this requested amount, or €90.6 thousand more precisely, is intended for legal fees and monthly expenses for the defence team, whereas the second major element, in the amount of €107.7 thousand, are resources needed to provide language services in Arabic and Tamasheq, as the languages of the accused and the victims/affected communities. The Registry will absorb the costs resulting from the latest developments in the Mali situation in a number of other areas, as detailed below, the approach which has been also applied by other organs.

II. Assumptions

6. The 2016 proposed budget is based on the assumption that the Court will carry out active investigations in 8 situations, including Mali, but that only 6 cases will be at the trial phase in 2016, as an arrest warrant and possible arrest of a suspect in the Mali situation were not foreseeable at the time of submission of the proposed budget. The present supplementary budget is based on the assumption that confirmation of charges will take place during the first quarter of 2016 and is intended to cover for costs linked to this case up to this stage of the proceedings, without prejudice to any further decision of the judges. Further information on the assumptions is provided in the appendix.

III. Financial implications

7. This supplementary budget has been prepared taking into account the resources already included for Mali in the proposed programme budget for 2016. It accounts for the best possible estimates of those financial implications that are currently foreseeable. Any additional resource requirements will be subject to a notification to the Contingency Fund.

8. It must be noted that changes in operational requirements, especially in relation to security aspects in the field, have already led the Court to reduce significantly the original supplementary budget submission that was planned earlier this month. The Court will

¹ ICC-ASP/14/10/Add.2.

² See Financial Regulations and Rules of the International Criminal Court.

continue to monitor the case developments in order to continuously update its estimates, as appropriate.

9. The current budgetary requirements resulting from the recent developments in the situation in Mali amount to a total of €198.3 thousand for Registry.

10. As indicated in the table below, the major additional costs relate to general temporary assistance, contractual services, counsel for defence and general operating expenses.

Table 1. Proposed supplementary budget (thousands of euro)

<i>Item</i>	<i>Major Programme III</i>
General temporary assistance	40.2
<i>Subtotal Other staff</i>	<i>40.2</i>
Travel	3.8
Contractual services	30.0
Counsel for Defence	90.6
General operating expenses	33.8
<i>Subtotal Non-staff</i>	<i>158.1</i>
Total	198.3

IV. Description of resources

A. Major Programme III - Registry

11. As the organ responsible for the non-judicial aspects of the administration and servicing of the Court, the Registry's budget is driven by the level of support required. For Mali, the Registry will need to provide notably language services, court management services, witness services, legal aid, and outreach.

12. The Registry has made every effort to ensure that its services concerning the latest developments in the Mali situation be provided as much as possible within its resources already proposed in the 2016 programme budget. To this end, a number of Sections, including Court Management Section, the Victims and Witnesses Section and the Victims Participation and Reparation Section, have committed themselves to absorbing the additional costs related to the Confirmation of Charges hearing within the resources of the 2016 proposed programme budget.

13. However, additional resources, both staff resources and non-staff resources, will still be needed for the Registry to provide adequate services, as described below.

1. Other staff resources

14. In order to provide language support services, the Language Services Section will require additional temporary staff as follows:

(a) two freelance Arabic translators/revisers will be needed for two weeks each in order to provide Arabic translation support in the context of the Confirmation of Charges;

(b) Three freelance Arabic interpreters (the language spoken by the suspect) for a week in the period from January to March 2016 to provide interpretation during the Confirmation of Charges hearing; and

(c) Field interpretation in support of meetings with victims/clients in the relevant situation languages (a.o. Tamasheq and Arabic), as well as interpretation services at the Detention Centre.

15. The Registry's requirements for GTA are summarised in table 2.

Table 2. GTA requirements for the Registry (thousands of euros)

<i>Title</i>	<i>Section</i>	<i>Grade</i>	<i>Work months</i>	<i>Total</i>
3800 Division of Judicial Services				
Translator/revisers	Language Services Section (LSS)	P-3	0.5	33.1
Field interpreters	LSS	GS-PL	0.25	7.3
Total Registry				40.2

2. Non-staff resources €158.1 thousand

(a) *Travel €3.8 thousand*

16. An amount of €3.8 thousand is required by the Language Services Section to cover travel requirements of the Arabic interpreters and translators/revisers.

(b) *Contractual services €30.0 thousand*

17. Resources are required by the External Relations and Field Coordination Section in order to hire a company to source and upgrade the field office in Bamako. There are also needs linked to security requirements in the Mali situation, generally speaking but also specifically for this case. All these requirements amount to €30.0 thousand.

(c) *Counsel for Defence €90.6 thousand*

18. An amount of €90.6 thousand is required by the Counsel Support Section to cover the legal fees and monthly expenses of the defence team of Mr. Al Mahdi during the Pre-trial phase, in accordance with the Legal aid Policy³ and to provide the team with the necessary funds to conduct investigations in the first three months of the year leading to the confirmation of charges.

(d) *General operating expenses €33.8 thousand*

19. Resources of €33.8 thousand are required by the Public Information and Outreach Section to engage with journalists and the civil society representatives from Mali, as key counterparts in reaching out to the victims and affected communities, enabling better understanding of the Court's role and proceedings in this very first case in the Mali situation.

Appendix

Assumptions for the supplementary budget for 2016 (Mali)

<i>Function</i>	<i>Total</i>
1. Number of planned Court hearings in 3 months	5
2. Number of investigations	1
3. Number of field offices/presence	1
4. Number of suspects/accused appearing before the Court	1
5. Number of suspects/accused in detention	1
6. Number of defence teams financed by Legal Aid	1

³ See Registry's single policy document on the Court's legal aid system, ICC-ASP/12/3.

Annex XI

List of documents

ICC-ASP/14/1/Rev.2	Provisional agenda
ICC-ASP/14/1/Add.1	Annotated list of items included in the provisional agenda
ICC-ASP/14/2	Registry's first half-yearly report on legal aid (July-December 2014)
ICC-ASP/14/3	Report on the measures implemented by the Office of the Prosecutor to achieve savings of 2.0 per cent on the funds allocated to its Investigation Division in the 2014 budget
ICC-ASP/14/4	Report on the progress of consideration of the financial impact of the Office of the Prosecutor's Strategic Plan 2016-2018 and of the cost implications for the Office of the Prosecutor and for the other organs of the International Criminal Court
ICC-ASP/14/5	Report of the Committee on Budget and Finance on the work of its twenty-fourth session
ICC-ASP/14/5/Add.1	Report of the Committee on Budget and Finance on the work of its resumed twenty-fourth session
ICC-ASP/14/6	Report of the Court on the Proposed and Supplementary Budgets
ICC-ASP/14/7	Report of the Court on Human Resources Management
ICC-ASP/14/8	Report on activities and programme performance of the International Criminal Court for the year 2014
ICC-ASP/14/9	Report of the Registry on its achievement of final savings in the approved programme budget for 2014
ICC-ASP/14/10	Proposed Programme Budget for 2016 of the International Criminal Court
ICC-ASP/14/10/Corr.1	Proposed Programme Budget for 2016 of the International Criminal Court, Corrigendum I
ICC-ASP/14/10/Corr.2	Proposed Programme Budget for 2016 of the International Criminal Court, Corrigendum II
ICC-ASP/14/10/Add.1	Proposed Programme Budget for 2016 of the International Criminal Court – Executive Summary
ICC-ASP/14/10/Add.2	Proposed supplementary budget of the International Criminal Court for 2016
ICC-ASP/14/11	Report on Budget Performance of the International Criminal Court as at 30 June 2015
ICC-ASP/14/12	Financial statements of the International Criminal Court for the year ended 31 December 2014
ICC-ASP/14/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2014
ICC-ASP/14/14	Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2014 to 30 June 2015
ICC-ASP/14/15	Report of the Committee on Budget and Finance on the work of its twenty-fifth session
ICC-ASP/14/16	Report on the progress of the use of synergies among the organs of the International Criminal Court
ICC-ASP/14/17	Report of the Court on policy issues (Anti-fraud, whistleblower policies, financial disclosure programme, longer-term investment options and employee benefit liabilities)
ICC-ASP/14/18	Report on the review of the organizational structure of the Registry - Outcomes of Phase 4 of the ReVision Project - Decisions on the structure of the Registry
ICC-ASP/14/19	Report of the Registry on the outcome of the ReVision process
ICC-ASP/14/20	Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourteenth session, The Hague, 18-26 November 2015, volume II
ICC-ASP/14/21*	Report of the Court on the Basic Size of the Office of the Prosecutor
ICC-ASP/14/22	Office of the Prosecutor: Strategic plan 2016-2018
ICC-ASP/14/23	Fifth election of members of the Board of Directors of the Trust Fund for Victims
ICC-ASP/14/24	Election of members of the Advisory Committee on the nominations of judges
ICC-ASP/14/25	Registry's biannual report on legal aid (January - June 2015)
ICC-ASP/14/26/Rev.1	Report of the Bureau on Cooperation
ICC-ASP/14/26/Add.1	Annex IV: Report on the draft Action Plan on arrest strategies, submitted by the Rapporteur

ICC-ASP/14/26/Add.1/Corr.1	Annex IV: Report on the draft Action Plan on arrest strategies, submitted by the Rapporteur – Corrigendum I
ICC-ASP/14/26/Add.1/Corr.2	Annex IV: Report on the draft Action Plan on arrest strategies, submitted by the Rapporteur – Corrigendum II
ICC-ASP/14/26/Add.2	Annex V: Summary of the Botswana seminar on fostering cooperation (29-30 October 2015)
ICC-ASP/14/27	Report of the Court on Cooperation
ICC-ASP/14/28	Second interim report on the activities of the Oversight Committee
ICC-ASP/14/29	Report on the activities of the International Criminal Court
ICC-ASP/14/30	Report of the Bureau on the Study Group on Governance
ICC-ASP/14/31	Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court
ICC-ASP/14/32	Report of the Bureau on Complementarity-
ICC-ASP/14/33/Rev.1	Report on the activities of the Oversight Committee
ICC-ASP/14/33/Add.1	[Draft] Resolution on permanent premises
ICC-ASP/14/33/Add.2	Total Cost of Ownership
ICC-ASP/14/34	Report of the Working Group on Amendments
ICC-ASP/14/35	List of supplementary items requested for inclusion in the agenda of the fourteenth session of the Assembly
ICC-ASP/14/35/Add.1	Petition from Kenya addressed to the President of the Assembly - Signatures
ICC-ASP/14/35/Add.2	Submission made by Kenya for the inclusion of two supplementary items
ICC-ASP/14/36	Election to fill a vacancy on the Committee on Budget and Finance
ICC-ASP/14/37	Report of the Bureau on the Strategic planning process of the International Criminal Court
ICC-ASP/14/38	Report of the Bureau on non-cooperation
ICC-ASP/14/39	Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court
ICC-ASP/14/40	Report of the Bureau on the arrears of States Parties
ICC-ASP/14/41	Report to the Bureau on the review of the procedure for the nomination and election of judges
ICC-ASP/14/42	Report of the Bureau Working Group on the Advisory Committee on Nominations
ICC-ASP/14/43	Court's Progress Report on Working Group on Intermediaries
ICC-ASP/14/44	Audit report on the cash reserves
ICC-ASP/14/INF.2	Permanent premises: One-time-payments: formula applicable: Preliminary calculation
ICC-ASP/14/L.1	[Draft] Report of the Assembly of States Parties to the Rome Statute of the International Criminal Court (Part I: [Draft] Proceedings)
ICC-ASP/14/L.2	[Draft] Report of the Credential Committee
ICC-ASP/14/L.3/Rev.1	[Draft resolution] Strengthening the International Criminal Court and the Assembly of States Parties [omnibus resolution]
ICC-ASP/14/L.4/Rev.1	[Draft] Resolution on the Programme budget for 2016, the Working Capital Fund and the Contingency Fund for 2016, scale of assessments for the apportionment of expenses of the International Criminal Court and financing appropriations for 2016
ICC-ASP/14/L.5/Rev.1	[Draft] Resolution on cooperation
ICC-ASP/14/L.6	[Draft] Resolution on article 124
ICC-ASP/14/L.6/Corr.1	[Draft] Resolution on article 124 – Corrigendum I
ICC-ASP/14/L.6/Corr.2	[Draft] Resolution on article 124 – Corrigendum II
ICC-ASP/14/L.7	[Draft] Resolution on permanent premises
ICC-ASP/14/WGPB/CRP.1	[Draft] report of the Working Group on the 2016 proposed programme budget of the International Criminal Court: External audit, programme budget for 2016 and related documents