

Resolution ICC-ASP/17/Res.2

Adopted at the 11th plenary meeting, on 11 December 2018, by consensus

ICC-ASP/17/Res.2

Resolution on amendments to rule 26 of the Rules of Procedure and Evidence

The Assembly of States Parties,

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

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

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

Further recalling paragraph 9, subparagraph (c), of the annex to resolution ICC-ASP/16/Res.6,

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

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

Recalling resolution ICC-ASP/12/Res.6 and the Operational mandate of the Independent Oversight Mechanism contained in the annex to that resolution,

1. *Decides* that the following shall replace rule 26 of the Rules of Procedure and Evidence:

“Rule 26

Receipt and admissibility of complaints

1. For the purposes of article 46, paragraph 1, and article 47 of the Statute, any complaint concerning any conduct defined under rules 24 and 25 shall include the grounds on which it is based and, if available, any relevant evidence, and may also include the identity of the complainant. The complaint shall remain confidential.

2. All complaints shall be transmitted to the Independent Oversight Mechanism which may also initiate investigations on its own motion. Any person submitting such complaints may also elect to submit a copy to the Presidency of the Court for information purposes only.

3. The Independent Oversight Mechanism shall assess complaints and set aside those complaints which are manifestly unfounded. Where a complaint is set aside as manifestly unfounded, the Independent Oversight Mechanism shall provide its reasons in a report which shall be transmitted to the Assembly of States Parties and the Presidency.

4. All other complaints shall be investigated by the Independent Oversight Mechanism. The Independent Oversight Mechanism shall transmit the results of any investigation, together with its recommendations, to the Assembly of States Parties and any other competent organ(s) as set out in articles 46 and 47 of the Statute, and rules 29 and 30.”

¹ ICC-ASP/17/35.

² ICC-ASP/17/30.