

Concept note

Review of the International Criminal Court and the Rome Statute system

Twentieth session of the Assembly of States Parties

Plenary meeting

8 December 2021

(15:00 – 16:30 hours)

At its nineteenth session, the Assembly established a Review Mechanism “under the auspices of the Assembly, led by two State Party Representatives dedicated to planning, coordinating, keeping track and regularly reporting to the Assembly Presidency and the Bureau on the assessment of the recommendations contained in the Report of the Group of Independent Experts and further action, as appropriate, as well as the issues referenced in resolution ICC-ASP/18/Res.7 paragraphs 18 and 19, and in general in accordance with that resolution.”¹ At its 5 February 2021 meeting, the Bureau appointed the members of the Review Mechanism: State Party representatives Ambassador Paul van den IJssel (Netherlands) and Ambassador Michael Imran Kanu (Sierra Leone), and the ad country focal points Bangladesh, Chile and Poland.²

Since its appointment, the Review Mechanism has carried out the mandates of the nineteenth session and has submitted (i) a proposal for a categorization of the Independent Experts’ recommendations and remaining review issues according to the entity responsible (the Assembly, the Court or both) for addressing the issue concerned by 30 April 2021;³ a report on the overall progress of its work, dated 30 June 2021;⁴ a proposal for a comprehensive action plan for the assessment of the recommendations of the Group of Independent Experts, including requirements for possible further action, as appropriate, by 30 June 2021;⁵ report of the Review Mechanism as the platform for discussion of IER recommendations;⁶ and the Report of the Review Mechanism submitted pursuant to ICC-ASP/19/Res.7, paragraph 9.⁷

At every step of its work, the Review Mechanism has been guided by the principles of transparency and inclusiveness and to this end, has consulted with States Parties, the Assembly Presidency, Assembly mandate holders, the Court focal points, the independent offices of the Court, civil society, the International Criminal Court Bar Association, and all other relevant stakeholders. The Mechanism attaches great importance to their views and contributions and has taken on board their inputs, as appropriate.

The plenary session will provide a platform for a broader exchange of views on the Review process and on policy, and the opportunity for all delegations, including those that have not been able to participate more fully during the year, to contribute to the discussion of this issue which is of key importance to the Assembly, the Court and all stakeholders. The plenary will also be forward looking, taking into account the progress made by the Review Mechanism in carrying out its mandate, bearing in mind the timelines for assessment of the IER recommendations set out in the Comprehensive action plan and the status of assessment reflected in the “Matrix: Progress in the assessment of the IER

¹ ICC-ASP/19/Res.7, para. 4.

² https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19R/Bureau20agenda%20and%20decisions-ENG.pdf

³ ICC-ASP/19/Res.7, para. 4 (a).

See: https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/Categorization%20of%20the%20IER%20Recommendations-final.29Apr21.1945.pdf

⁴ ICC-ASP/19/Res.7, para. 9: https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM.Overall-progress.30Jun21.1950-ENG.pdf

⁵ ICC-ASP/19/Res.7, para. 4 (b). See: https://asp.icc-cpi.int/EN_Menus/asp/review-court/pages/action-plan.aspx.

⁶ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM%20report%20as%20platform%2001Nov211840.pdf

⁷ Dated 30 November 2021.

recommendations”, dated 2 December 2021. The Matrix ,which was circulated to all stakeholders on 3 December, has been included as an annex to the report which the Review Mechanism submitted pursuant to paragraph 9 of resolution ICC-ASP/19/Res.7. The Review Mechanism encourages all participants to engage in the interactive dialogue.

The programme will be as follows:

- 1) Opening of the plenary by the President of the Assembly, Ms. Silvia Fernández de Gurmendi.
- 2) Remarks by the President of the Assembly (5 minutes).
- 3) Joint presentation by the State Party representatives, Ambassador Paul van den IJssel (Netherlands) and Ambassador Michael Imran Kanu (Sierra Leone), of the report of the Mechanism submitted pursuant to paragraph 9 of resolution ICC-ASP/19/Res.7 (10 minutes).
- 4) Statement by the Court (5 minutes).
- 5) Interactive discussion with all stakeholders and the Review Mechanism and the Court focal points.

In order to ensure the interactive nature of the discussion, the Review Mechanism encourages participants to, as far as possible, avoid delivering lengthy prepared statements and to instead react to presentations by the Review Mechanism, the Court focal points and other speakers, as well to comment on the future steps. Should participants wish to deliver a statement, such statement must not exceed three minutes, in view of the limited time. Participants may register to speak by sending an email to the following address: iccaspreviewmechanism@gmail.com and indicate whether they wish to speak in-person or via pre-recorded message, in line with the practice outlined for the General debate in the Secretariat’s note verbale ICC-ASP/20/S/60 of 15 October 2021.⁸ Requests for inscription on the speakers’ list should be sent to the Secretariat no later than the **end of Monday, 6 December 2021**.

Technical matters

- 1) The plenary session will be live-streamed and remote participants will be able to follow via ICC YouTube in the floor language, English or French.
- 2) Due to the technical specifications of the World Forum Convention Centre, remote participants will not have the option to take the floor.
- 3) In order to give remote participants the opportunity to participate, the Review Mechanism invites those wishing to pose a question or make comments to send them during the meeting via email to: iccaspreviewmechanism@gmail.com. They may be sent in English, French or Spanish. Their intervention, which will be read out by the Secretariat, as well as the responses of the Mechanism or Court focal points or the President, will be interpreted and will form part of the proceedings that are live-streamed.

In view of the importance of the review process to strengthening the Court and the Rome Statute system, the Review Mechanism would appreciate hearing the views of States Parties and all stakeholders, which it will bear in mind as it moves forward towards the next stage of work on the IER recommendations, which will include a greater focus in 2022 on implementation.

⁸ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/ASP20.General%20debate%20-%20ENG.pdf