

**Switzerland's submission in relation to the comprehensive action plan for the Review Process as set out in Resolution ICC-ASP/19/Res.7**

Switzerland remains committed to the Review Process aimed at strengthening the International Criminal Court and the Rome Statute System and welcomes the opportunity to submit its views on allocation, prioritization and deadlines for recommendations made in the Independent Expert Report.

As requested by the Review Mechanism, Switzerland submits its observations using the prepared form. In addition, the following comments complete Switzerland's observations and outline its understanding of the proposed approach to be adopted in carrying out the review:

1. The observations submitted in the prepared form are non-exhaustive. They reflect views held by Switzerland on selected matters of importance, some of which are time-sensitive and pressing.
2. Switzerland reiterates the importance of establishing an action plan that allows for a transparent, inclusive and efficient process while fully respecting the judicial and prosecutorial independence of the Court. Consequently, recommendations falling exclusively within the remit of the Court should be allocated to Court Organs only and be addressed in full respect of the Court's independence. On 31 May 2021, the Bureau of the Assembly of States Parties (ASP) adopted a decision on the "Categorization of recommendations and remaining issues". In order to pursue an efficient process, recommendations allocated to the Court in that decision should not be subjected to an additional allocation to Assembly Mandates in the Action Plan. In this context, and as indicated in its submission on the categorization of recommendations, dated 30 March 2021, Switzerland would in particular like to reiterate its view that recommendations addressed to the Office of the Prosecutor pertaining to complementarity (R262-265) primarily fall within the remit of the Court.
3. Switzerland welcomes the informal proposal that the Review Mechanism would itself address recommendations, which cannot be allocated to an existing Assembly Mandate, for instance by way of facilitating dedicated roundtable discussions.
4. In principle, Switzerland welcomes the idea of a standalone resolution on the Review Process at ASP20, which may include decisions taken with regard to the assessment and implementation of recommendations, and if necessary extend the mandate of the Review Mechanism.