

## **UK submission in relation to the categorisation of recommendations made by the Independent Expert Review of the International Criminal Court**

The UK is a strong supporter of the International Criminal Court and of the State-led review process of which the IER report forms a key part. We welcome this opportunity to provide views on the categorisation of the recommendations made in that report. We have provided our detailed comments on the proposed categorisation in a separate document. In addition, we wish to offer the following general comments on the proposed approach to be adopted in carrying out this exercise:

1. The UK supports a collaborative approach. There are many recommendations with implications for both the Court and for States Parties. In our view, the prospects of success are maximised if both are involved in the consideration of such recommendations. These include several recommendations where, in our view, the Court is likely to be best placed to take forward *implementation* but where States Parties ought also to be involved in the prior *consideration* of the proposals in question.
2. The categorisation ought to reflect the broad range of functions and responsibilities exercised by the ASP. These include not only the approval of the Court's budget but also oversight functions as set out at article 112 and legislative functions as set out at article 121.
3. We recognise that the present categorisation exercise is an art not a science. We offer this contribution without having had sight of the views of the Court or other States Parties. We therefore look forward to discussing these matters further when those views are known.
4. In our view there are a number of key areas of the IER report which ought to be prioritised and where the Assembly should be actively involved. These include the following:
  - a. Recommendations 1-11 on governance. The treatment of these recommendations is likely to have implications for a number of other proposals in the report. In our view it is important that both the ASP and the Court are involved in considering these proposals.
  - b. Recommendations concerning the working culture at the Court. These proposals are central to building the best possible platform for the Court to succeed in the future.
  - c. Recommendation 105 on the possible introduction of a system of tenure.
  - d. Broader policy issues arising from sections XII and XIII of the report including in respect of complementarity and preliminary examinations.

5. Finally, the IER report is wide-ranging and comprehensive in nature. We are keen to advance work in the many areas where progress can be made quickly or where there is widespread agreement. In addition, it is important that we also actively consider other recommendations which may be more challenging to implement or where views may differ. This will afford us the best opportunity to strengthen the Court and face future challenges with confidence.