

## **Resolution ICC-ASP/8/Res.9**

*Adopted at the 10<sup>th</sup> plenary meeting, on 25 March 2010, by consensus*

### **ICC-ASP/8/Res.9 Review Conference**

*The Assembly of States Parties,*

*Welcoming* the report of the Working Group on the Review Conference,<sup>1</sup>

*Recalling* its previous resolutions and reports on the Review Conference and, in particular resolution ICC-ASP/8/Res.6,<sup>2</sup> with annexes I to IV which contain agenda items to be considered at the Review Conference, namely amendments relating to article 124, the crime of aggression, article 8 and topics for stocktaking,

*Recalling* its request to the Bureau to consider the issue of strengthening the enforcement of sentences and submitting a proposal for a decision to be considered at the Review Conference,<sup>3</sup>

*Recalling further* paragraph 5 of the ICC-ASP/8/Res.6 by which it decided to forward four topics to the Review Conference for its consideration in the stocktaking exercise, i.e. cooperation, complementarity, the impact of the Rome Statute system on victims and affected communities, and peace and justice, taking into account the need to include aspects regarding universality, implementation, and lessons learned, in order to enhance the work of the Court,

*Noting* the discussions in the New York Working Group and The Hague Working Group on the topics to be considered in the stocktaking exercise and the outcome of those discussions, which are reflected in the reports of the Bureau on stocktaking,<sup>4</sup>

*Noting* that the discussions on each topic of the stocktaking exercise, which are scheduled to be held on 2 and 3 June 2010, would be led by panelists with expertise in the respective areas,

*Recalling further* its request to the Secretariat of the Assembly to, inter alia, report to the Bureau on the status of the discussions with a view to the expeditious conclusion, through the Court, of a Memorandum of Understanding between the Government of Uganda and the Court which ensures that the provisions of the Agreement on the Privileges and Immunities of the International Criminal Court are applicable, mutatis mutandis, to the Review Conference,

*Welcoming* the proposal that a high-level segment be convened during the Review Conference, at which States Parties, Observer States and other States would have the opportunity to reaffirm their commitment to the fight against impunity,

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<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Resumed eighth session, New York, 22 - 25 March 2010* (International Criminal Court publication, ICC-ASP/8/20/Add.1), annex III.

<sup>2</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, part II.

<sup>3</sup> *Ibid.*, resolution ICC-ASP/8/Res.6, para. 7.

<sup>4</sup> Report of the Bureau on stocktaking: The impact of the Rome Statute system on victims and affected communities (ICC-ASP/8/49); Report of the Bureau on stocktaking: Cooperation- Background paper and proposals for outcome (ICC-ASP/8/50); Report of the Bureau on stocktaking: Complementarity - Taking stock of the principle of complementarity: bridging the impunity gap (ICC-ASP/8/51); and Report of the Bureau on stocktaking: Peace and Justice (ICC-ASP/8/52).

1. *Decides* to convene a high-level segment at the Review Conference to afford States the opportunity to affirm their commitment to the International Criminal Court, including through pledges;
2. *Requests* the Bureau to prepare a draft high-level declaration for consideration by the Review Conference;
3. *Decides* to organize discussions for the stocktaking topics as reflected in the templates contained in annexes I to IV;
4. *Requests* the Bureau to continue its role in preparing the stocktaking exercise with a view to finalizing any outstanding aspects of the Review Conference;
5. *Requests* the Secretariat of the Assembly to assist the Bureau in this endeavour as well as to cover appropriate travel expenses of panelists to the extent that no other funding sources are available and in consultation with the Bureau;
6. *Requests* the Secretariat of the Assembly to reissue the questionnaire (note verbale ICC-ASP/8/S/PA/19) and to make available a compilation of comments submitted by States Parties in advance of the Review Conference, and *encourages* States Parties to provide information to the Secretariat in this regard;
7. *Welcomes* the decision by the Bureau to adopt the draft resolution on strengthening the enforcement of sentences contained in annex V, and to convey it to the Review Conference;
8. *Takes note of* the draft resolutions entitled “Impact of the Rome Statute system on victims and affected communities”<sup>5</sup> and “complementarity”<sup>6</sup> contained in annexes VI and VII, respectively, and *decides* to forward them to the Review Conference for its consideration;
9. *Decides* to forward the draft elements of crimes contained in annex VIII to this resolution to the Review Conference for its consideration;<sup>7</sup>
10. *Urges* the expeditious conclusion of the Memorandum of Understanding between the Government of Uganda and the Court.

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<sup>5</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Resumed eighth session, New York, 22 - 25 March 2010* (International Criminal Court publication, ICC-ASP/8/20/Add.1), ICC-ASP/8/Res.9, annex VI.

<sup>6</sup> *Ibid.*, annex VII.

<sup>7</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, part II, resolution ICC-ASP/8/Res.6, annex III, para. 1.