

BUREAU OF THE ASSEMBLY OF STATES PARTIES

Implementation of IER recommendation 169

The Final report of the Group of Independent Experts (ICC-ASP/19/16), paragraph 400, states in the relevant as follows:

There is some sense in both of those points and it may be that the best vehicle for mounting a defence of the Court is the ASP, its President and subsidiary bodies, as well as the governments of members of the ASP. Indeed, given the capacity of these attacks to undermine the effectiveness of the Court and impact its impartiality over the long-term, the ASP should take action. This could include the adoption of a strategy to deal with such attacks in the future and agreement to react quickly and robustly to unfair and untrue criticisms of the Court by issuing appropriate rebuttals. More positively, the ASP and individual States Parties could conduct public outreach activities – conferences, seminars, television debates and so on, to explain better what the Court is and what it is trying to achieve. This would be in line with the ASP’s finding that the issue of public information and communication is a shared responsibility of the Court and States Parties.

R169. The ASP and States Parties should develop a strategy for responding to attacks on the Court by non-States Parties, and should be prepared to speak up in the Court’s defence, given that its dignity and political impartiality seriously inhibits its ability to defend itself against unsubstantiated and biased attacks. The ASP and States Parties could further conduct public information campaigns in their countries, with support from the Court’s PIOS in developing communication materials.

PROPOSAL BY THE PRESIDENCY OF THE ASSEMBLY FOR IMPLEMENTATION OF RECOMMENDATION 169 OF THE IER ADOPTED BY THE BUREAU ON 29 JULY 2022

- 1. The Assembly of States Parties reconfirms its unwavering support for the Court as an independent and impartial judicial institution, reiterates its commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats or measures against the Court, its officials and those cooperating with it, and renews its resolve to stand united against impunity;¹**
- 2. The Assembly of States Parties and the Court have a shared responsibility to promote and protect the goals and work of the Court. The Presidency of the Assembly bears the main responsibility for coordinating an appropriate response from the Assembly to any threat or attack against the Court, its officials and those cooperating**

¹ ICC-ASP/20/Res.5, para 1.

with it, which has the potential to undermine the integrity, effectiveness or impartiality of the Court.

3. When the Presidency considers, in consultation with the Court, that there is such a threat or attack, it shall take steps to ensure an immediate response, including issuing a statement, if appropriate. The Presidency may convene an urgent meeting of the Bureau to discuss the matter and decide the way forward. Where necessary, the Presidency, in consultation with States Parties, the Court and those cooperating with it, as appropriate, shall propose additional measures to be adopted by the Bureau. Such additional measures may include individual or joint statements and other forms of communication and outreach, good offices and other private or public diplomacy initiatives, to be implemented depending on available fora and opportunities, by the Presidency of the Assembly, the Court, individual or group of States, intergovernmental or civil society organizations. These measures adopted by Bureau, in consultation with the States Parties, shall be without prejudice to any initiative undertaken by other stakeholders.

4. To facilitate information sharing and coordination among all those involved, States Parties and the Court shall communicate to the Secretariat of the Assembly of States Parties, the person or persons designated to act as contact points for any matters relating to an attack.

5. The Presidency shall keep the Assembly of States Parties regularly informed of the implementation of measures on a regular basis, through the Bureau and Working Groups in The Hague and New York.
