

TWENTY-FIRST SESSION OF THE ASSEMBLY OF STATES PARTIES

Review of the International Criminal Court and the Rome Statute system

Plenary meeting

7 December 2021

(15:00 – 16:30 hours)

Concept note

Review of the Court and the Rome Statute system: Progress on the review process and next steps

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 and twentieth sessions. By resolution ICC-ASP/20/Res.3 of the twentieth session, the Assembly:

“11. Request[ed] the Review Mechanism, in close coordination with the Court focal points and relevant Assembly mandates, to provide regular updates to all States Parties through the Bureau Working Groups, on the review process including on any impediments to progress identified, to brief the Assembly in writing on the overall progress of its work, before 30 June 2022, and to submit a report on the review process to the Assembly well in advance of its twenty-first session on:

- a) Progress in the assessment of and possible further action on the recommendations of the Independent Experts and measures for the implementation of the review process;
- b) Progress in the work of the relevant Assembly mandates on the issues referenced in resolution ICC-ASP/18/Res.7 paragraphs 18 and 19; and
- c) Any other progress in the review process.”

Pursuant to resolution ICC-ASP/20/Res.3, the Review Mechanism submitted a report on the overall progress of its work on 30 June 2022 and, on 29 November 2022, submitted the Report of the Review Mechanism to the Assembly. These reports, read together, reflect the discussions held by the Review Mechanism as the platform for discussion during 2022. During the meetings, the respective Independent Expert Review (“IER”) recommendations were assessed: either positive, negative, or positive with modifications. The meetings related to the IER recommendations on Tenure, Unified Governance, recommendation 363 on convening a discussion among stakeholders concerning a strategic vision for the Court for the next 10 years; Relations with civil society and media; Communications strategy and Outreach strategy; Induction and Continuing professional development;

¹ ICC-ASP/19/Res.7, para. 4.

² https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19R/Bureau20.agenda%20and%20decisions-ENG.pdf

the Secretariat of the Assembly of States Parties; the Trust Fund for Victims and its Secretariat; External political measures against the Court; Victim Participation and Victims: Reparations and assistance. We are pleased that the Bureau, which has responsibility for the implementation of IER recommendation 169, adopted a proposal on the Implementation of recommendation 169 on 29 July. In addition to the ten meetings as the platform for discussion, the Review Mechanism also held two roundtables which focused on the IER recommendations relating to workplace culture, gender equality and geographical representation in the recruitment of staff of the Court.

The plenary meeting will take stock of the work on the IER recommendations and consider options for the way forward for the review process. The Review Mechanism recalls that, at the inception of its work, it had indicated that it was not its intention to create new bodies and that it would itself serve as the platform for discussion where there was no facilitation. The Mechanism was of the view that it would not be a standing body and that after the stage of assessment of the recommendations, there would be a need for on-going follow-up on their implementation. The Review Mechanism believes that the respective facilitations could take up the responsibility for follow-up on implementation of the relevant recommendations at the next stage, with a role for the Bureau on those topics where there is no facilitation, such as the Trust Fund for Victims and workplace culture.

The plenary session will provide a platform for a broader exchange of views on the work and the future of the Review Mechanism, as well as the implementation of the IER recommendations. The Review Mechanism invites States Parties and all stakeholders to express their views on the future of the Mechanism and the work of the review process.

The plenary will provide 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 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) (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, refrain from delivering lengthy prepared statements and to instead react to presentations by the Review Mechanism, the Court 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. Requests for inscription on the speakers' list should be sent to the Secretariat no later than the end of Tuesday, 6 December 2022 but participants may also request the floor during the plenary.

Technical matters

- 1) The plenary session will be live-streamed and remote participants will be able to follow via ICC YouTube.
- 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 its work on the IER recommendations, which will include a greater focus in 2023 on implementation.