

Resolution ICC-ASP/21/Res.5

Adopted at the 9th plenary meeting, on 9 December 2022, by consensus

ICC-ASP/21/Res.5

Amendment to the Rules of Procedure and Evidence of the International Criminal Court

The Assembly of States Parties,

Recalling the need to conduct a structured dialogue between States Parties and the Court with a view to strengthening the institutional framework of the Rome Statute system and enhancing the efficiency and effectiveness of the Court while fully preserving its judicial independence, and *inviting* the organs of the Court to continue to engage in such a dialogue with States Parties,

Recognizing that enhancing the efficiency and effectiveness of the Court is of common interest both for the Assembly of States Parties and the Court,

Recalling operative paragraphs 1 and 2 of resolution ICC-ASP/9/Res.2 and article 51 of the Rome Statute,

Further recalling paragraph 9 of annex I to resolution ICC-ASP/20/Res.5,

Taking note with appreciation of the consultations undertaken within the Study Group on Governance and the Working Group on Amendments,

Noting the report of the Working Group on Amendments¹ and the report of the Bureau on the Study Group on Governance,²

1. *Decides* that the following rule 140 *bis* be inserted after rule 140 of the Rules of Procedure and Evidence:

“Rule 140 *bis*

Continuation of proceedings in the temporary absence of a judge for illness or other unforeseen urgent personal reasons

If a judge is, for illness or other unforeseen urgent personal reasons, unable to be present at any hearing, the remaining judges of the Chamber may exceptionally order that the hearing of the case continues in the absence of that judge for completion of a specific matter which has already commenced and can be concluded within a short timeframe, provided that:

(a) The Chamber is satisfied or, if it is not practicable to consult the absent judge, the remaining judges of the Chamber are satisfied that this arrangement is in the interests of justice; and

(b) The parties consent to this arrangement.”

¹ ICC-ASP/21/22.

² ICC-ASP/21/18.