

**Eighteenth session**

The Hague, 2-7 December 2019

**Report of the Bureau on the Plan of action of  
the Assembly of States Parties for achieving universality and  
full implementation of the Rome Statute of  
the International Criminal Court****I. Introduction**

1. At its fifth session, the Assembly of States Parties adopted, by consensus, the Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court (hereinafter "the Plan of Action").<sup>1</sup>
2. At its seventeenth session, the Assembly of States Parties (hereinafter "the Assembly") welcomed the annual report of the Bureau on the Plan of action, endorsed the recommendations contained therein and requested the Bureau to continue to monitor the implementation of the Plan and to report thereon to the Assembly during its eighteenth session.<sup>2</sup>
3. The Plan of action calls upon States Parties to proactively make use of the political, financial and technical means at their disposal to promote the universality and full implementation of the Rome Statute through bilateral, regional and multilateral relationships. Furthermore, the Plan of action calls upon the Secretariat to support States in their efforts to promote universality and full implementation of the Statute by acting as a focal point for information exchange, within existing resources, including by collecting and ensuring dissemination of such information. It also requires the Assembly, through its Bureau, to keep the Plan of action under review.
4. On 4 March 2019 the Bureau of the Assembly appointed the Netherlands and the Republic of Korea as *ad country* focal points to facilitate the implementation of the Plan of action.
5. The reporting period covers the period after the adoption of the previous report (ICC-ASP/17/32, 23 November 2018) until October/November 2019. During this period, the *ad country* focal points conducted consultations and briefings in order to exchange information between States, Court officials, members of civil society and other interested parties.

<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November to 1 December 2006* (ICC-ASP/5/32), Part III, ICC-ASP/5/Res.3, annex I.

<sup>2</sup> Resolution ICC-ASP/17/Res.5 of 12 December 2018, para.9 and annex I, para. 1.

## **II. Updates on efforts to promote universality and full implementation of the Rome Statute**

### **A. Activities of the Court**

6. On 15 October 2019, President Eboe-Osuji conducted a one-day working visit to Accra, Ghana where he delivered a major public lecture in the presence of the President of the Republic of Ghana, H.E. Nana Akufo-Addo who made a public pledge that the country would soon adopt implementing legislation. ICC President also held talks with the Chief Justice and Minister of Foreign Affairs.

7. From 19 to 20 September 2019, the ICC President traveled to Kigali, Rwanda in order to participate in training in International Criminal Law for the Rwandan Judiciary. This training is organized by the International Development Law Organisation, in collaboration with the Supreme Court of Rwanda, and with the support of the Kingdom of the Netherlands.

8. Judge Eboe-Osuji also met with H.E. Mr Johnston Busingye, Minister of Justice and Mr. Johnston Busingye, Attorney General, and Professor Rugege, Chief Justice. The dialogue reaffirmed Rwanda's shares the values of the ICC and the Minister of Justice stressed that it is crucial to invest efforts in the strengthening of national jurisdictions, consistent with the principle of complementarity.

9. From 24 to 27 September 2019, the ICC President attended the 74th session of the UN General Assembly ("UNGA") at the UN Headquarters in New York. The President held several bilateral meetings with a number of Heads of State and Government and other dignitaries from States Parties and also not party to the Rome Statute. Judge Eboe-Osuji met with H.E. Macky Sall, President of Senegal, H.E. Emmerson Mnangagwa, President of Zimbabwe, H.E. Naledi Pandor, Minister of international relations of South Africa, H.E. Denis Moses, Minister of Foreign Affairs of Trinidad and Tobago, H.E. Ralph Regenvanu, Minister of Foreign Affairs of Vanuatu, H.E. Geoffrey Onyeama, Minister of Foreign Affairs of Nigeria, H.E. Kolinda Grabar-Kitarovi?, President of Croatia, H.E. Paul Kagame, President of Rwanda and H.E. Dr. Lotay Tshering, Prime Minister of Bhutan.

10. In addition, ICC President addressed the Informal Ministerial Network ("IMN") for the ICC, a network of over 30 Ministers of Foreign Affairs representing ICC States Parties from all regional groups where he spoke about the importance of universal ratification of the Rome Statute.

11. The President addressed the 55th Ordinary Session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) on 29 June 2019, highlighting that peace, development, the rule of law and justice are interlinked, and calling for the active support of ECOWAS member states for the Court's work. The President also conducted many other missions and reached out to government leaders in States Parties as well as States not party to the Rome Statute with a view to galvanising support for the Court's mandate and activities.

12. The Court continued its dedicated efforts to engage with the European Union ("EU"), in various fora and platforms, including the EU Political and Security Committee, which visited the Court on 4 July 2019, and the COJUR-ICC, as well as with the EU Special Representative for Human Rights, Mr Eamon Gilmore.

13. The Court also organized its third Retreat with African States Parties to the Rome Statute in Addis Ababa, Ethiopia, on 12 June 2019, to promote dialogue between the African States Parties to the Rome Statute and the ICC. The Retreat counted, for the first time, with the participation of the African Union ("AU") Legal Counsel, Dr. Namira Negm. Government delegates from 22 African States, as well as representatives of the Organisation Internationale de la Francophonie, the ICC and TFV officials shared experiences and explored further avenues for engagement and cooperation, including within the framework of the complementarity principle enshrined in the Rome Statute.

14. On the margins of the retreat President Eboe-Osuji met with H.E. Sahle-Work Zewde, President of Ethiopia and Ms. Vera Songwe, Executive Secretary of the United Nations Commission for Africa.

15. In October 2018, the Registry undertook technical missions to Singapore, Malaysia and Indonesia in the context of the Court's work to promote the universality of the Rome Statute in the Asia-Pacific region. A follow-up mission to Malaysia took place in April 2019 and sought to enhance understanding of the ICC and the Rome Statute system amongst different stakeholder groups in Malaysia, including the government, legal professionals, civil society and the diplomatic community, following Malaysia's withdrawal of its accession to the Rome Statute. The ICC delegation also discussed cooperation agreements with government representatives and participated in the Asia-Pacific Regional Strategy Meeting of the Coalition for the ICC (CICC) on 11 April 2019, which included 40+ participants from the Asia-Pacific region. Furthermore, on 12 July 2019, the ICC and The Hague Project Peace and Justice hosted the second event for the Asia-Pacific Forum of The Hague. The event facilitated a dialogue about the Asia Pacific region's engagement with and contribution to international criminal justice with the focus on victim's perspectives and demands for justice.

## **B. Activities of the President of the Assembly and the Secretariat**

16. The President of the Assembly of States Parties, Mr. O-Gon Kwon, held a series of meetings throughout the year where he encouraged States to become parties to the Rome Statute and the Agreement on Privileges and Immunities of the International Criminal Court, and stressed the importance for States to have implementing legislation at the national level. The President has coordinated with H.E. Mr. Michal Mlynár, Vice-President of the Assembly and Coordinator of its New York Working Group to reach out to non-States Parties and encouraged them to consult their capitals with an aim to ratifying the Rome Statute.

17. Throughout the year, the President worked closely with civil society organizations, including the Coalition for the International Criminal Court, Parliamentarians for Global Action, Human Rights Watch, Open Society Justice Initiative and the American Bar Association's ICC Project, as well as in connection with their local NGOs and focal points, to promote the environment conducive to expanding the universality of the Rome Statute.

18. The President of the Assembly participated in several of the meetings enumerated in sections of this report. In addition, the President of the Assembly participated in the following meetings:

19. On 18 March 2019, the President had a meeting with Mr. Mohd Suhaimi Ahmad Tajuddin, Chargé d'affaires of the Malaysian Mission to the United Nations to discuss their plan for the ratification of the Rome Statute.

20. On 31 May 2019, the President participated as a keynote speaker in the Pacific Islands Roundtable on the ratification and implementation of the Rome Statute of the International Criminal Court (ICC) held at Port Vila, Vanuatu. In his keynote address, the President shared with the members of the Roundtable his vision and key focus during his term to promote the universality of the Rome Statute. The President also emphasized Protection and Rule of law reinforcement as the benefits of the ICC Rome Statute system, and the mutually beneficial role of the Pacific countries in the ICC system, particularly for strengthening the rule of law, international justice, protection against international crimes, participation in the multilateral system and the development of international law, and opportunities for networking and capacity building.

21. On 7 June 2019, the President was invited to an Ambassadorial Working Luncheon on the International Criminal Court and the Pacific region co-organized by the Permanent Mission of the Republic of Korea to the United Nations and the Permanent Mission of Australia to the United Nations, where the President discussed concerns raised by the delegations of the Pacific island countries.

22. On 20-21 September 2019, the President participated as a keynote speaker in Inaugural Conference, "Governance of International Courts and Tribunals: Ensuring Judicial Independence and Accountability" held in Leiden, the Netherlands. The President explained the potential benefits of joining the ICC and encouraged the civil societies to make efforts on universality of the Rome Statute. The President also had a meeting with William Pace, former Convenor of the Coalition for the International Criminal Court, discussed the cooperation strategy of the ASP and CICC combined.

23. On 25 September 2019, the President participated in “A conversation with the ASP President O-Gon Kwon” moderated by Mark Ellis, Executive Director of the International Bar Association as well as Chair of the UN Advisory Panel on Matters Relating to Defence Counsel of the Mechanism for International Criminal Tribunals, during the Annual Conference of the International Bar Association held in Seoul, South Korea. The President explained to the participants the role of the International Criminal Court and potential benefits of joining the ICC, along with the current international criminal law issues and situations.

24. On 29 October 2019, the President was invited to an Ambassadorial Working Luncheon on the International Criminal Court and the Asia Pacific region organized by the Ministry of Foreign Affairs of the Republic of Korea, where the President, former ICC President Sang-Hyun Song and ICC Registrar Mr. Peter Lewis encouraged the Ambassadors from eighteen countries of the region to join the ICC and exchanged views with them.

25. The Secretariat, for its part, continued to support the collection of information on the promotion of universality and the full implementation of the Rome Statute. As of 24 October, the Secretariat had received three responses to the questionnaire concerning the Plan of action for achieving universality and full implementation of the Rome Statute. Relevant information submitted by States and international organizations can be found on the Assembly's website.<sup>3</sup>

### **C. Activities of the focal points**

26. Throughout the reporting period, the initiatives of the co-focal points, continuing the work of the previous focal points, focused mainly on two categories: Firstly, on synergizing efforts of different stakeholders in the promotion of universality and the implementation of the Rome Statute; and secondly, on directing efforts at non-States Parties to the Rome Statute. Several activities were undertaken in order to make progress on those categories. The most important activities are laid down below.

27. On 31 May 2019, together with Government of Vanuatu, the ICC, and the European Union, one of the focal points, the Republic of Korea, co-organized the Pacific Islands Roundtable on the ratification and implementation of the Rome Statute of the International Criminal Court (ICC) held at Port Vila, Vanuatu. The President participated as a keynote speaker and the former ICC president Sang-Hyun Song delivered closing remarks, encouraging the Pacific Islands to join the Rome Statute.

28. On 7 June 2019, with the President's proposal, one of the focal points, the Republic of Korea along with the Permanent Mission of Australia to the United Nations co-organized an Ambassadorial Working Luncheon on the International Criminal Court and the Pacific region, where the President participated as the keynote speaker and replied to questions and concerns raised by the delegations of the Pacific island countries.

29. On 24 October 2019, co-focal points had a meeting with the Ukraine Ambassador to the Netherlands in order to discuss various concerns related to joining the Rome Statute.

30. On 29 October 2019, co-focal points invited Ambassadors from Asian-Pacific countries to an Ambassadorial Working Luncheon on the International Criminal Court and the Pacific region in Seoul, Korea. The President, former ICC President Sang-Hyun Song and ICC Registrar Mr. Peter Lewis encouraged Ambassadors from the Pacific region to join the ICC and exchanged views with the delegations.

### **D. Activities of international organizations and other organizations**

31. In 2019, the Coalition for the International Criminal Court (CICC) has promoted activities related to the advancement of the universal ratification of the Rome Statute of the ICC.

32. On 10-12 April 2019, the Coalition for the International Criminal Court hosted a Regional Strategy Meeting for the Asia-Pacific Region in Kuala Lumpur, Malaysia. The meeting featured a dedicated strategy session on Universality where civil society participants

<sup>3</sup> See: [https://asp.icc-cpi.int/en\\_menus/asp/sessions/plan%20of%20action/Pages/2019-Plan-of-Action.aspx](https://asp.icc-cpi.int/en_menus/asp/sessions/plan%20of%20action/Pages/2019-Plan-of-Action.aspx).

from over 20 Asia-Pacific countries committed to ramp up national and regional campaigns for the ratification and implementation of the Rome Statute. Court officials from the Registry took part to the meeting.

33. In April, May and October 2019, the Coalition organized three workshops with Venezuelan civil society organizations, where 15-20 Venezuelan CSO representatives discussed a range of issues on international justice and the Preliminary Examination, including future prospects for implementation. Experiences from across the region regarding implementation and domestic national prosecutions were shared among participants.

34. In August 2019, the Coalition Secretariat met with former Peruvian Congresswoman Indira Huilca, member of the Committee on Justice and Human Rights, to discuss developments concerning the process of implementation of the Rome Statute within Peruvian domestic law, following the Coalition's interaction with the working group within the Executive charged with drafting the latest bill, a process where the Coalition has contributed to over the past years. MP Huilca had been actively engaged in this process, particularly in advance of a PGA regional workshop on the matter held in Montevideo, Uruguay, in May 2019, where the Coalition also participated as invited experts. The process is now stalled following the dissolution of Congress in early October 2019.

35. On 23 September 2019, the Coalition for the International Criminal Court (CICC), its member organisations in Ukraine and international members, sent a letter to H.E. Volodymyr Zelenskyy, President of Ukraine, asking the Ukrainian government to immediately ratify and ensure the domestication of the Rome Statute of the ICC. Coalition members in Ukraine have organised several events and meetings with government officials, MPs, and the diplomatic community.

#### **E. Other seminars, events and actions**

36. On 24 to 28 June 2019, a mission of 30 federal judges from Brazil visited the ICC to take part in a capacity building seminar on topics of international criminal law, led by former ICC judge Sylvia Steiner. The programme included meetings with the President of the Court, Judge Chile Eboe Osuji; the Prosecutor, Fatou Bensouda; and the Registrar, Peter Lewis.

### **III. Recommendations**

37. In general, there is a continuing need for further sustained efforts in promoting the universality and full implementation of the Rome Statute and the Agreement on Privileges and Immunities of the Court. Many activities are already being undertaken on an on-going basis, and the scope for better coordination and identification of possible synergies as well as more systematic follow-up on initiatives should be explored further. Enhanced use of ICT and social media could play an important role in this regard, in particular when reaching out to academia and students, building on existing initiatives. Against this background, the following recommendations are made:

#### **A. To the Assembly of States Parties**

1. To continue to monitor closely the implementation of the Plan of action.

#### **B. To the States Parties**

2. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in their bilateral, regional and multilateral relationships, including enhancing the cooperation between international and regional organizations and the Court;
3. To continue their efforts to disseminate information on the Court at the national, regional and international level, including through events, seminars, publications, courses and other initiatives that may raise awareness about the work of the Court;

4. To continue to provide the Secretariat with updated information relevant to the universality and full implementation of the Rome Statute, including current contact information on national focal points;
5. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in collaboration with the Court, civil society, academia, international organizations and professional organizations;
6. To organize, in conjunction with the Court, civil society, academia, international organizations and professional associations, seminars, panel discussions and events focusing on promoting the universality and full implementation of the Rome Statute, in New York, in The Hague and in different regions, and to disseminate information about the Court's work and the provisions of the Rome Statute;
7. To continue to provide, wherever possible, technical and financial assistance to States wishing to become party to the Statute and to those wishing to implement the Statute in their national legislation;
8. To provide financial and/or other support, wherever possible, to civil society, academia, international organizations and professional associations that provide technical assistance to overcome the challenges to ratification and implementation identified in this report;
9. To continue to contribute to the Trust Fund for Least Developed Countries and other developing States to promote the attendance of States not party to the sessions of the Assembly; and
10. To continue to cooperate with the Court so that it can fulfil its functions accordingly.

#### **C. To the Secretariat of the Assembly of States Parties**

11. To continue to support States in their efforts to promote the universality and full implementation of the Rome Statute by acting as a focal point for information exchange and by making available updated information on this matter, including on the website of the Court;
12. To compile information on all available resources and potential donors, and post it on the Court's website for easy access by States; and
13. To prepare a matrix to serve the purpose of enhanced information-sharing between potential recipients and donors of technical assistance.

## Annex I

### Draft language to be included in the omnibus resolution

#### A. Universality of the Rome Statute

1. *Invites* States not yet parties to the Rome Statute of the International Criminal Court to become parties to the Rome Statute, as amended, as soon as possible and *calls upon* all States Parties to intensify their efforts to promote universality;
2. *Notes with deep regret* the notification of withdrawal submitted by a State Party under article 127(1) of the Statute on 17 March 2018 as well as the withdrawal of its instrument of accession by another State on 29 April 2019, and *calls upon* these States to reconsider these withdrawals;<sup>4</sup>
3. Welcomes with appreciation also the continuation by the President of the Assembly of the dialogue on the “Relationship between Africa and the International Criminal Court” initiated by the Bureau during the fifteenth session of the Assembly of States Parties, and invites the Bureau to further widen and deepen this dialogue as needed with all interested State Parties;
4. *Welcomes* the initiatives undertaken to celebrate 17 July as the Day of International Criminal Justice<sup>5</sup> as well as those to commemorate the 20th anniversary of the Rome Statute and *recommends* that, on the basis of lessons learnt, all relevant stakeholders, together with the Court, continue to engage in preparation of appropriate activities and share information with other stakeholders to that effect through the Secretariat of the Assembly<sup>6</sup> and otherwise;
5. *Calls upon* all international and regional organizations as well as civil society to intensify their efforts to promote universality;
6. *Decides* to keep the status of ratifications under review and to monitor developments in the field of implementing legislation, inter alia with a view to facilitating the provision of technical assistance that States Parties to the Rome Statute, or States wishing to become parties thereto, may wish to request from other States Parties or institutions in relevant areas, and *calls upon* States to annually provide the Secretariat of the Assembly of States Parties with updated information about actions and activities in support of international justice, as per the Plan of Action (paragraph 6(h));<sup>7</sup>
7. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of criminal law, criminal procedural law, and international cooperation and judicial assistance with the Court and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority and *encourages* the adoption of victims-related provisions, as and when appropriate;
8. *Welcomes* the report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute<sup>8</sup> and *notes with appreciation* the efforts of the Court’s President, the Office of the Prosecutor, the President of the Assembly, the Assembly, States Parties and civil society to enhance the effectiveness of universality-related efforts and to encourage States to become parties to the Rome Statute, as amended, and to the Agreement on Privileges and Immunities, as well as relevant efforts undertaken in the framework of the Universal Periodic Review of the Human Rights Council;

<sup>4</sup> Depository Notification C.N.138.2018.TREATIES-XVIII.10, see at: <https://treaties.un.org/doc/Publication/CN/2018/CN.138.2018-Eng.pdf>.

<sup>5</sup> *Official Records... Review Conference...* 2010 (RC/11), part II.B, Kampala declaration (RC/Decl.1), para 12.

<sup>6</sup> See ICC – Secretariat of the Assembly of States Parties at [https://asp.icc-cpi.int/en\\_menus/asp/asp%20events/ICJD/Pages/default.aspx](https://asp.icc-cpi.int/en_menus/asp/asp%20events/ICJD/Pages/default.aspx).

<sup>7</sup> ICC-ASP/5/Res.3, annex I.

<sup>8</sup> ICC-ASP/17/32.

9. *Recalls* rule 42 of the Rules of Procedure of the Assembly of States Parties, *endorses* the Bureau decision of 18 October 2017 whereby it adopted an Understanding on the Participation of Observer States in Meetings of the Assembly of States Parties,<sup>9</sup> and *underscores* the importance of promoting universality of the Rome Statute and of strengthening the openness and transparency of the Assembly;

**B. Mandates of the Assembly of States Parties for the intersessional period**

(a) *endorses* the recommendations of the report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute; and

(b) *requests* the Bureau to continue to monitor the implementation of the Plan of action for achieving universality and full implementation of the Rome Statute and to report thereon to the Assembly at its nineteenth session;

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<sup>9</sup> See: Agenda and decisions of the sixth meeting of the Bureau, annex II, appendix: [https://asp.icc-cpi.int/iccdocs/asp\\_docs/Bureau/ICC-ASP-2017-Bureau-06.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Bureau/ICC-ASP-2017-Bureau-06.pdf).