

## Resolution ICC-ASP/14/Res.4

*Adopted at the 12th plenary meeting, on 26 November 2015, by consensus*

### ICC-ASP/14/Res.4

### **Strengthening the International Criminal Court and the Assembly of States Parties**

*The Assembly of States Parties,*

*Mindful* that each individual State has the responsibility to protect its population from the crime of genocide, war crimes, and crimes against humanity, that the conscience of humanity continues to be deeply shocked by unimaginable atrocities in various parts of the world, and that the need to prevent the most serious crimes of concern to the international community and to put an end to the impunity of the perpetrators of such crimes is now widely acknowledged,

*Convinced* that the International Criminal Court (“the Court”) is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law, as well as to the prevention of armed conflicts, the preservation of peace and the strengthening of international security and the advancement of post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, in accordance with the purposes and principles of the Charter of the United Nations,

*Convinced also* that justice and peace are complementary and mutually reinforce each other,

*Convinced further* that justice and the fight against impunity and holding to account the perpetrators of the most serious crimes of concern to the international community and persons criminally responsible under the Statute are, and must remain, indivisible and that in this regard universal adherence to the Rome Statute of the International Criminal Court is essential,

*Welcoming* the Court's central role as the only permanent international criminal court within an evolving system of international criminal justice and the contribution of the Court to guarantee lasting respect for and the enforcement of international justice,

*Noting* the primary responsibility of national jurisdictions to prosecute the most serious crimes of international concern and the increased need for cooperation in ensuring that national legal systems are capable of prosecuting such crimes,

*Reaffirming* its commitment to the Rome Statute of the International Criminal Court and its determination that the most serious crimes of concern to the international community as a whole must not go unpunished, and *underlining* the importance of the willingness and ability of States to genuinely investigate and prosecute such crimes,

*Welcoming* the efforts and achievements of the Court in bringing those most responsible for the crimes under the Rome Statute to justice and thus to contribute to the prevention of such crimes and *noting* the jurisprudence of the Court on the issue of complementarity,

*Recalling* that the application of articles 17 and 19 of the Rome Statute concerning the admissibility of cases before the Court is a judicial matter to be determined by the judges of the Court,

*Recalling also* that greater consideration should be given to how the Court will complete its activities in a situation country and that possible completion strategies could provide guidance on how a situation country can be assisted in carrying on national proceedings when the Court completes its activities in a given situation,

*Recognizing* that crimes within the jurisdiction of the Court threaten the peace, security and well-being of the world,

*Underscoring* its respect for the judicial independence of the Court and its commitment to ensuring respect for and the implementation of the Court's judicial decisions,

*Taking note with appreciation* of the annual United Nations General Assembly resolutions concerning the Court,

*Welcoming* the statement by the President of the Security Council of 12 February 2013 in which the Council stated its intention to continue fighting impunity, reiterated its previous call regarding the importance of State cooperation with the Court in accordance with the respective obligations of States and expressed its commitment to effective follow-up of Council decisions in this regard,

*Deeply concerned* by the ongoing lack of effective follow up by the Security Council to its resolutions referring situations to the Court and its consequences, despite efforts by States Parties,

*Recalling* the full range of justice and reconciliation mechanisms with restorative measures that are complementary to criminal justice processes, including truth and reconciliation commissions, national reparation programmes and institutional and legal reforms, including guarantees of non-recurrence,

*Recalling also* the success of the first Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010,

*Recalling further* the decision by the Assembly of States Parties ("the Assembly") to establish a representation of the Court at the African Union Headquarters in Addis Ababa, and *reiterating* that such presence would promote dialogue with the Court and the understanding of its mission within the African Union and among African States, individually and collectively,

*Appreciating* the invaluable assistance that has been provided by civil society to the Court,

*Emphasizing* the importance of equitable geographical representation and gender balance in the organs of the Court, and, as appropriate, in the work of the Assembly and its subsidiary bodies,

*Mindful* of the need to encourage the full participation of States Parties, Observers and States not having observer status in the sessions of the Assembly and to ensure the broadest visibility of the Court and the Assembly,

*Recognizing* that victims' rights to equal and effective access to justice, protection and support; adequate and prompt reparation for harm suffered; and access to relevant information concerning violations and redress mechanisms are essential components of justice, *emphasizing* the importance of effective outreach to victims and affected communities in order to give effect to the unique mandate of the Court towards victims, and *determined* to ensure the effective implementation of victims' rights, which constitute a cornerstone of the Rome Statute system,

*Conscious* of the vital role of field operations in the Court's work in situation countries and the importance of stakeholders working together to create suitable conditions for field operations,

*Conscious also* of the risks faced by personnel of the Court in the field,

*Recalling* that the Court acts within the constraints of an annual programme budget approved by the Assembly,

## **A. Universality of the Rome Statute**

1. *Welcomes* the State that has become a Party to the Rome Statute of the International Criminal Court since the thirteenth session of the Assembly, *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. *Calls upon* all international and regional organizations as well as civil society to intensify their efforts to promote universality;
3. *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;
4. *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 appropriate;
5. *Welcomes* the report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute,<sup>1</sup> *notes with appreciation* the efforts of the Court's President, the Office of the Prosecutor, the President of the Assembly of States Parties, the Assembly of States Parties, States Parties, and of 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;

## **B. Agreement on Privileges and Immunities**

6. *Welcomes* the States Parties that have become a Party to the Agreement on the Privileges and Immunities of the International Criminal Court and *recalls* that the Agreement and international practice exempt salaries, emoluments and allowances paid by the Court to its officials and staff from national taxation, and in this regard *calls upon* States Parties, as well as non-States Parties, that have not yet done so to become parties to this Agreement as a matter of priority and to take the necessary legislative or other action, pending their ratification or accession, to exempt their nationals employed by the Court from national income taxation with respect to salaries, emoluments and allowances paid to them by the Court, or to grant relief in any other manner from income taxation in respect of such payments to their nationals;
7. *Reiterates* the obligations of States Parties to respect on their territories such privileges and immunities of the Court as are necessary for the fulfilment of its purposes and *appeals* to all States which are not party to the Agreement on the Privileges and Immunities of the International Criminal Court in which the Court's property and assets are located or through which such property and assets are transported, to protect the property and assets of the Court from search, seizure, requisition and any other form of interference;

## **C. Cooperation**

8. *Refers* to its resolution ICC-ASP/14/Res.3 on cooperation;
9. *Calls upon* States Parties to comply with their obligations under the Rome Statute, in particular the obligation to cooperate in accordance with Part 9, and *also calls upon* States Parties to ensure full and effective cooperation with the Court in accordance with the Rome Statute, in particular in the areas of implementing constitutional and legislative framework, enforcement of Court decisions and execution of arrest warrants;
10. *Further calls upon* States Parties to continue to express their political and diplomatic support to the Court, *recalls* the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2 and *encourages* States Parties and the Court to consider further measures to enhance their implementation and to strengthen their efforts to ensure full and effective cooperation with the Court;

---

<sup>1</sup> ICC-ASP/14/31.

11. *Takes note* of the report on arrest strategies by the Rapporteur<sup>2</sup> and *takes note* of the draft Action Plan on Arrest Strategies;
12. *Recalls* the conclusion last year of the first voluntary agreement between the Court and a State Party on interim release;
13. *Welcomes* the enhanced dialogue between States Parties, the Court and civil society offered by the plenary discussion on cooperation held during the fourteenth session of the Assembly, with a special focus on voluntary cooperation by means of voluntary cooperation agreements, and *mindful of* the importance of full and effective functioning of the Court, *notes with appreciation* the fruitful exchange of views on the necessity of voluntary forms of cooperation and the challenges faced by the Court, in particular in the areas of witness relocation and execution of sentences, as well as on national experiences in this regard;
14. *Welcomes* the memorandum of understanding between the Court and the United Nations Office on Drugs and Crime to strengthen the capacity of States in the area of witness protection;
15. *Recalls* the non-cooperation procedures adopted by the Assembly in ICC-ASP/10/Res.5, *recognizes with concern* the negative impact that the non-execution of Court requests continues to have on the ability of the Court to execute its mandate, *takes note* of the decisions of the Court conveyed to the Assembly to date and of the report of the Bureau on non-cooperation,<sup>3</sup> *welcomes* the efforts of the President of the Assembly in implementing the procedures on non-cooperation during his tenure and *recalls* that the President serves ex officio as focal point for his or her region,<sup>4</sup> *calls upon* all stakeholders, at all levels, to continue assisting the President of the Assembly, including when accomplishing his task with the support of the regional focal points for non-cooperation, and *encourages* all States Parties to cooperate towards a successful outcome of the review of the non-cooperation procedures;<sup>5</sup>
16. *Recalls* the role of the Assembly of States Parties and the Security Council with respect to non-cooperation as provided for by articles 87, paragraph 5, and 87, paragraph 7, of the Rome Statute, *welcomes* the efforts of States Parties to strengthen the relationship between the Court and the Council, *calls upon* States Parties to continue their efforts to ensure that the Security Council addresses the communications received from the Court on non-cooperation pursuant to the Rome Statute, *encourages* the President of the Assembly and the Bureau to continue consulting with the Security Council and *also encourages* both the Assembly and the Security Council to strengthen their mutual engagement on this matter;
17. *Noting* the orders of the Pre-Trial Chamber to the Registrar concerning action to be taken in case of information relating to travel of suspects,<sup>6</sup> *urges* States to share with the focal points on non-cooperation any information concerning potential or confirmed travel of persons against whom an arrest warrant has been issued;

#### D. Host State

18. *Recognizes* the importance of the relationship between the Court and the host State in accordance with the terms of the Headquarters agreement and *notes with appreciation*

<sup>2</sup> ICC-ASP/14/26/Add.1, appendix.

<sup>3</sup> ICC-ASP/14/38.

<sup>4</sup> ICC-ASP/11/29, para. 12.

<sup>5</sup> As initiated by the focal points on non-cooperation on the basis of the mandate contained in resolution ICC-ASP/13/Res.5, annex I, para. 2(g).

<sup>6</sup> Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects”, ICC-01/04-635 (Situation in the DRC); ICC-02/04-211 (Situation in Uganda); ICC-01/05-83 (Situation in the Central African Republic); ICC-02/05-247 (Situation in Darfur); ICC-01/09-151 (situation in Kenya), PTC-I, ICC-01/11-46 (Situation in Libya); ICC-02/11-47 (Situation in Cote d’Ivoire); ICC-01/12-25 (Situation in Mali); ICC-01/13-16 (Situation regarding the registered vessels of the Comoros, Hellenic Republic and the Kingdom of Cambodia vessels); ICC-01/14-6 (Situation in the Central African Republic II); ICC-02/05-01/09-235-Corr (Al-Bashir case); ICC-02/05-01/07-71 (Harun and Kushayb case); ICC-01/11-01/11-589 (Saif al Islam case); and ICC-02/05-01/12-31 (Hussain case).

the ongoing commitment of the host State to the Court with a view to its more efficient functioning;

## **E. Relationship with the United Nations**

19. *Recognizes* the need for enhancing the institutional dialogue with the United Nations, including on Security Council referrals;

20. *Also recognizes* the Security Council's call regarding the importance of State cooperation with the Court and *encourages* further strengthening of the Security Council's relationship with the Court by:

(a) providing effective follow up of situations referred by the Council to the Court and ongoing political support;

(b) continued support for the work of the Court through cooperation and assistance by peacekeeping and special political missions mandated by the Council, including by considering extending best practices with respect to the drafting of mandates of peacekeeping operations while respecting their basic principles, and increased cooperation between Sanctions Committees and the Court;

(c) considering mandating peacekeeping and special political missions to contribute, where appropriate, to the strengthening of national justice systems through training, outreach and other forms of assistance;

(d) enhanced engagement by the Council with Court representatives and on matters related to the Court in various formats; and

(e) institutionalizing Council cooperation with and support for the Court in this regard;

21. *Recalls* the report of the Court on the status of ongoing cooperation with the United Nations, including in the field;<sup>7</sup>

22. *Encourages* all United Nations Offices, funds and programmes to strengthen their cooperation with the Court, and to collaborate effectively with the Office of Legal Affairs as focal point for cooperation between the United Nations system and the Court;

23. *Commends* the important work of the New York Liaison Office of the Court, *reiterates* its full support for the Office and *stresses* the importance of the continued and further strengthening of the implementation of its functions in accordance with ICC-ASP/4/6, paragraphs 2, 3 and 4;

24. *Welcomes* that States Parties have been informed throughout 2015 on Court-related developments at the United Nations and in particular at the Security Council, notably through regular briefings provided by the designated State Party member of the Security Council, and *calls upon* Bureau members and other States Parties to continue providing States Parties with information about their efforts at the United Nations and in any other international or regional fora to promote the fight against impunity;

25. *Welcomes* the presentation of the annual report of the Court to the General Assembly of the United Nations<sup>8</sup> and in particular its increased focus on the relationship between the Court and the United Nations, *also welcomes* the adoption of resolution A/RES/69/279 by the General Assembly and *encourages* States Parties to continue their constructive engagement with United Nations Member States to further strengthen this resolution;

26. *Notes with concern* that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council have been borne exclusively by States Parties, and *urges* States Parties to begin discussions on a possible way forward on this issue, including the implementation of article 115, paragraph (b), of the Rome Statute also taking into account that article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations states that the conditions under which any funds may be provided to the

<sup>7</sup> ICC-ASP/12/42.

<sup>8</sup> United Nations document A/70/350.

Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements;

27. *Encourages* the Court to further engage with the relevant Sanctions Committees of the United Nations Security Council with a view to improving their cooperation and achieving better coordination on matters pertaining to areas of mutual concern;

28. *Notes* that all cooperation received by the Court from the United Nations is provided strictly on a reimbursable basis;

## **F. Relationships with other international organizations and bodies**

29. *Welcomes* the efforts undertaken by various regional and other international organizations to support the Court in the fulfilment of its mandate;

30. *Recalls* the memoranda of understanding and agreements on cooperation concluded by the Court with the European Union, the Asian-African Legal Consultative Organization, the Organization of American States, the Commonwealth, the Organisation internationale de la Francophonie, and the Parliament of the MERCOSUR, Common Market of the South;

31. *Emphasizes* the need to pursue efforts aimed at intensifying dialogue with the African Union and to strengthen the relationship between the Court and the African Union and *commits* to the Court's further regular engagement in Addis Ababa with the African Union and diplomatic missions in anticipation of establishing its liaison office; *recognizes* the engagement of the President of the Assembly with officials of the African Union in Addis Ababa and *calls upon* all relevant stakeholders to support strengthening the relationship between the Court and the African Union;

32. *Recalls* the contribution that the International Humanitarian Fact-finding Commission, established by article 90 of the Additional Protocol I to the 1949 Geneva Convention, could make in ascertaining facts related to alleged violations of international humanitarian law and facilitating, where appropriate, the prosecution of war crimes, both at the national level and before the Court;

## **G. Activities of the Court**

33. *Takes note* of the latest report on the activities of the Court to the Assembly;<sup>9</sup>

34. *Notes with satisfaction* the fact that owing, not least, to the dedication of its staff, considerable progress continues to be made in the Court's activities including its preliminary examinations, investigations and judicial proceedings in various situations which either States Parties or the United Nations Security Council<sup>10</sup> referred to the Court or which the Prosecutor initiated *proprio motu*;

35. *Recalls* its invitation to the Court to continue to take note of best practices of other relevant international and national organizations and tribunals, including those gained by national institutions that have already investigated and prosecuted crimes that fall within the Court's jurisdiction, in solving challenges similar to those encountered by the Court, while reiterating its respect for the independence of the Court, and in this regard welcomes the fact that the Court hosted a second two-day International Tribunals' Developed Practices Workshop at its premises;

36. *Notes with appreciation* the efforts undertaken by the Office of the Prosecutor to achieve the efficiency and transparency of its preliminary examinations, investigations and prosecutions;

37. *Welcomes* the ongoing implementation of the Policy Paper on Sexual and Gender-Based Crimes released by the Office of the Prosecutor in June 2014 and *stresses* the importance of the effective investigation and prosecution of sexual and gender-based crimes by the Court and by national courts, in order to end impunity for perpetrators of sexual violence crimes and *calls upon* States Parties to consider the Policy Paper to

<sup>9</sup> ICC-ASP/14/29.

<sup>10</sup> United Nations Security Council resolution 1593 (2005) and 1970 (2011).

strengthen the investigation and prosecution of sexual and gender-based crimes domestically;

38. *Also welcomes* the efforts undertaken by the Court to implement the One-Court principle, and to coordinate its activities among its organs at all levels, including through the implementation of measures to increase clarity on the responsibility of different organs, while respecting the independence of the judges and the Prosecutor and the neutrality of the Registry, and *encourages* the Court to undertake all necessary efforts to fully implement the One-Court principle, inter alia with a view to ensuring full transparency, good governance, efficient use of financial resources and sound management;

39. *Notes with appreciation* the efforts undertaken by the Registrar, including through the implementation of the Registry's revised structure, to mitigate the risks faced by the Court in relation to its field offices and to enhance the Court's field operations with a view to increasing their efficiency and visibility and *encourages* the Court to continue to optimize its field offices in order to ensure the Court's continued relevance and impact in States in which it carries out its work;

40. *Recognizes* the important work done by the field-based staff of the Court in difficult and complex environments and *expresses its appreciation* for their dedication to the mission of the Court;

## H. Elections

41. *Emphasizes* the importance of nominating and electing the most highly qualified judges in accordance with article 36 of the Rome Statute, and for this purpose *encourages* States Parties to conduct thorough and transparent processes to identify the best candidates;

42. *Stresses* the importance of elected judges who have made their solemn undertaking being available to take up their full-time service when the Court's workload so requires;

43. *Decides* to adopt the amendment to the procedure for the nomination and election of judges<sup>11</sup> contained in annex II to the present resolution;

44. *Also decides* to continue to review the procedure for the nomination and election of judges as set forth in resolution ICC-ASP/3/Res.6, as amended, including by the present resolution, on the occasion of future elections with a view to making any improvements as may be necessary, taking into account the work conducted so far as reflected in the facilitator's discussion paper;<sup>12</sup>

45. *Takes note* of the report of the Working Group of the Bureau on the Advisory Committee on Nominations,<sup>13</sup> and *welcomes* the appointment of the nine members of the Advisory Committee as recommended by the Working Group;

46. *Decides* to adopt the amendment to the resolution on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims,<sup>14</sup> contained in annex III to the present resolution;

## I. Secretariat of the Assembly of States Parties

47. *Recognizes* the important work done by the Secretariat of the Assembly of States Parties ("the Secretariat"), *reiterates* that the relations between the Secretariat and the different organs of the Court shall be governed by principles of cooperation and of sharing and pooling of resources and services, as set out in the annex to resolution ICC-ASP/2/Res.3, and *welcomes* the fact that the Director of the Secretariat participates in the meetings of the Coordination Council when matters of mutual concern are considered;

<sup>11</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.6.

<sup>12</sup> ICC-ASP/14/41, section IV.

<sup>13</sup> ICC-ASP/14/42.

<sup>14</sup> Resolution ICC-ASP/1/Res.6, as amended by resolution ICC-ASP/4/Res.5.

## J. Counsel

48. *Notes* the important work of independent representative bodies of counsel or legal associations, including any international legal association relevant to rule 20, sub-rule 3, of the Rules of Procedure and Evidence;

49. *Also notes* the recent ongoing efforts of the legal profession, in consultation with the Court, to establish an independent representative body of counsel in accordance with rule 20, sub-rule 3, of the Rules of Procedure and Evidence with a view to ensuring the effective representation of the general interests of counsel accredited to practise before the Court, upholding their professional standards of conduct and reinforcing the independence of the legal profession before the Court;

50. *Further notes* the need to improve gender balance and equitable geographical representation on the list of counsel, and thus *continues to encourage* applications to the list of counsel established as required under rule 21(2) of the Rules of Procedure and Evidence with a particular view to ensuring equitable geographical representation and gender balance, as well as legal expertise on specific issues such as violence against women or children, as appropriate;

## K. Legal aid

51. *Acknowledges* the Court's efforts to continue implementing the legal aid remuneration policy and *stresses* the need for continuous monitoring of the efficiency of the legal aid system to uphold and strengthen the principles of the legal aid system, namely fair trial, objectivity, transparency, economy, continuity and flexibility;<sup>15</sup>

## L. Study Group on Governance

52. *Welcomes* the continued 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;

53. *Takes note* of the Bureau's report on the Study Group of Governance;<sup>16</sup>

54. *Extends* for another year the mandate of the Study Group, provided in resolution ICC-ASP/9/Res.2 and extended in resolutions ICC-ASP/10/Res.5, ICC-ASP/11/Res.8, ICC-ASP/12/Res.8 and ICC-ASP/13/Res.5;

55. *Welcomes* the Judges' Working Group on Lessons Learnt Report on Cluster D(1): Applications for Victim Participation, and *encourages* the judges to continue their work on this issue in 2016;

56. *Welcomes* the Judges' Working Group on Lessons Learnt Progress Report on Clusters A, B, C and E, including the Pre-Trial Practice Manual, and *encourages* the judges to continue their work on these issues in 2016;

57. *Calls upon* States Parties to continue considering amendment proposals by the Working Group on Lessons Learnt;

58. *Welcomes* the discussions held regarding the recommendation in paragraph 44 of the report of the Committee on Budget and Finance on the work of its twenty-third session,<sup>17</sup> and *notes* that no consensus has been reached as to the introduction of a financial envelope;

59. *Welcomes* the efforts of the Court to develop qualitative and quantitative indicators that would allow the Court to demonstrate better its achievements and needs, as well as allowing States Parties to assess the Court's performance in a more strategic manner;

<sup>15</sup> ICC-ASP/3/16, para. 16.

<sup>16</sup> ICC-ASP/14/30.

<sup>17</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2.



## M. Proceedings of the Court

60. *Emphasizes* that the effectiveness of proceedings of the Court is essential to the rights of victims and those of the accused, the credibility and authority of the institution as well as the best possible use of its resources;

61. *Welcomes* the Court's efforts to enhance the efficiency and effectiveness of proceedings, as well as the efforts on the part of States Parties and civil society in this regard;

62. *Also welcomes* the focused dialogue between States Parties, the Court and civil society held in the plenary discussion on efficiency and effectiveness of Court proceedings during the fourteenth session of the Assembly, *mindful* of the importance of continued dialogue on this matter, and *noting* the shared responsibility of the Court and States Parties in this regard;

## N. Working methods review

63. *Recognizes* the benefits of rationalizing the working methods of the subsidiary bodies of the Bureau and the Assembly in order to cope with an increasing workload;

64. *Welcomes* the steps already undertaken by the Bureau for the improvement of the working methods;

65. *Decides* to further improve the working methods of the Bureau and the governance of the Assembly, and to that effect:

(a) *reiterates* the need to fully implement the general roadmap for facilitations adopted at the thirteenth session of the Assembly;<sup>18</sup>

(b) *welcomes* the holding of Bureau meetings both in New York and in The Hague;

(c) *acknowledges* the importance of ensuring that the agenda of the Assembly allows sufficient time for substantive discussions;

(d) *recognizes* the importance of exchange of information as well as mutual consultations between the New York Working Group and The Hague Working Group on matters of joint concern with a view to enhancing efficiency while avoiding duplication of efforts; and

(e) *encourages* all States Parties to use the Extranet designed for the work of the subsidiary bodies of the Bureau and the Assembly containing all necessary documentation on the work in progress;

66. *Recalling* the representative geographical character of the Bureau, *encourages* Bureau members to strengthen their communication with States Parties of their respective regional group to inform the discussion of the Bureau, including by establishing appropriate mechanisms for providing regular updates on the work of the Bureau;

## O. Strategic planning

67. *Notes* that the Court's Strategic Plan, that of the Office of the Prosecutor and other strategic plans are reviewed and updated on a regular basis and *welcomes* that, also in light of organ-specific improvement projects and the move to the Permanent Premises, a new system of a Court-wide Strategic Plan alongside organ-specific plans will be elaborated in 2016;

68. *Emphasizes* the need for the Court to continue to improve and adapt outreach activities with a view to further developing and implementing effectively and efficiently the Strategic Plan for Outreach<sup>19</sup> in affected countries, including, where appropriate, by early

<sup>18</sup> ICC-ASP/13/Res.5, annex IV- General Roadmap for facilitations.

<sup>19</sup> ICC-ASP/5/12.

outreach from the outset of the Court's involvement, including during the preliminary examination stage;

69. *Recalls* that the issues of public information and communication about the Court and its activities constitute a shared responsibility of the Court and States Parties, while *acknowledging* the significant contribution of other stakeholders to developing a coordinated and comprehensive approach;

70. *Welcomes* the initiatives undertaken to celebrate 17 July as Day of International Criminal Justice<sup>20</sup> and *recommends* that, on the basis of lessons learnt, all relevant stakeholders, together with the Court, continue to engage in preparation of the annual celebrations with a view to reinforcing the international fight against impunity;

71. *Takes note* of the Court's interim update of its Strategic Plan for 2013-2017, and *welcomes* the Court's intention to continue to adapt its Plan, as appropriate, on an annual basis, including for the purpose of the formulation of the budget assumptions and to inform the Bureau thereon with a view to further strengthening the budgetary process;

72. *Takes note* of the presentation by the Office of the Prosecutor of its Strategic Plan for 2016-2018;

73. *Notes* the conclusion of the *ReVision* process which has led to a significant reorganization of the Registry's structure, processes and working methods, and *looks forward* to being duly informed about the impact ensuing from the new structure, both in terms of its capacity to absorb increases in the workload and tangible efficiencies attained;

74. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;

## **P. Victims and affected communities, reparations and Trust Fund for Victims**

75. *Refers* to its resolution ICC-ASP/13/Res.4 on victims and affected communities, reparations and Trust Fund for Victims;

76. *Reiterates* that victims' right to present and have considered their views and concerns at stages of the proceedings determined to be appropriate by the Court where their personal interests are affected, and to protection of their safety, physical and psychological well-being, dignity and privacy, under article 68 of the Rome Statute, as well as access to relevant information are essential components of justice and, in this regard, and *emphasizes* the importance of effective outreach to victims and affected communities in order to give effect to the mandate of the Court;

77. *Stresses* the central importance that the Rome Statute accords to the rights and needs of victims, in particular their right to participate in judicial proceedings and to claim reparations, and *emphasizes* the importance of informing and involving victims and affected communities in order to give effect to the unique mandate of the Court towards victims;

78. *Acknowledges* the importance of protective measures for victims and witnesses for the execution of the Court's mandate, *stresses* the need for States to conclude agreements with the Court in order to facilitate expeditious international relocation of persons at risk, *welcomes* the relocation agreements with the Court concluded in 2015, *urges* all States to consider making such relocation agreements, and *encourages* all States to contribute to the Special Fund for Relocations;

79. *Stresses* that, since the identification, tracing and freezing or seizure of any assets of the convicted person are indispensable for reparations, it is of paramount importance that all necessary measures are taken to that end, in order for relevant States and relevant entities to provide timely and effective assistance pursuant to articles 75, 93, paragraph 1(k), and 109 of the Rome Statute, and *calls upon* States Parties to enter into voluntary agreements, arrangements or any other means to this end with the Court, as required;

<sup>20</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II.B, Kampala Declaration (RC/Decl.1), para. 12.

80. *Renews its appreciation* to the Board of Directors and the Secretariat of the Trust Fund for Victims for their continuing commitment towards victims;

81. *Calls upon* States, international and inter-governmental organizations, individuals, corporations and other entities to contribute voluntarily to the Trust Fund for Victims also in view of possible reparations, in order to substantively increase the volume of the Trust Fund for Victims, broaden the resource base and improve the predictability of funding, and *renews its appreciation* to those that have done so;

## **Q. Recruitment of staff**

82. *Takes note* of the Court's report on human resources,<sup>21</sup> *welcomes* the Court's continued efforts, in the recruitment of staff, to seek equitable geographical representation and gender balance and the highest standards of efficiency, competency and integrity, as well as to seek expertise on specific issues, including, but not limited to, trauma-related psycho-social needs and violence against women or children, and *strongly encourages* further progress in this regard;

83. *Stresses* the importance of the dialogue between the Court and the Bureau with regard to ensuring equitable geographical representation and gender balance in the recruitment of staff members, and *welcomes* the report of the Bureau and its recommendations;<sup>22</sup>

84. *Urges* States Parties to undertake efforts to identify and generate pools of qualified potential applicants to the Court's professional positions from States Parties from underrepresented regions, including through the financing by the Assembly of the Court's internship and visiting professional, and by States of Junior Professional Officer (JPO) programmes, and through the dissemination among relevant national institutions and organizations of the Court's vacancies;

## **R. Complementarity**

85. *Recalls* the primary responsibility of States to investigate and prosecute the most serious crimes of international concern and that, to this end, appropriate measures need to be adopted at the national level, and international cooperation and judicial assistance need to be strengthened, in order to ensure that national legal systems are willing and able genuinely to carry out investigations and prosecutions of such crimes;

86. *Resolves* to continue and strengthen, within the appropriate fora, effective domestic implementation of the Rome Statute, to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally recognized fair trial standards, pursuant to the principle of complementarity;

87. *Welcomes* the international community's engagement in strengthening the capacity of domestic jurisdictions and inter-State cooperation to enable States to genuinely prosecute Rome Statute crimes;

88. *Also welcomes* efforts by the United Nations, international and regional organizations, States and civil society in mainstreaming capacity-building activities aimed at strengthening national jurisdictions with regard to investigating and prosecuting Rome Statute crimes into existing and new technical assistance programmes and instruments, and *strongly encourages* additional efforts in this regard by other international and regional organizations, States and civil society;

89. *Welcomes*, in this regard, the adoption of the 2030 Agenda for Sustainable Development<sup>23</sup> and acknowledges the important work being undertaken with regard to promoting the rule of law at the national and international levels and ensuring equal access to justice for all;

<sup>21</sup> ICC-ASP/14/7.

<sup>22</sup> ICC-ASP/14/39.

<sup>23</sup> United Nations General Assembly resolution 70/1.

90. *Stresses* that the proper functioning of the principle of complementarity entails that States incorporate the crimes set out in articles 6, 7 and 8 of the Rome Statute as punishable offences under their national laws, to establish jurisdiction for these crimes and to ensure effective enforcement of those laws, and *urges* States to do so;

91. *Welcomes* the report of the Bureau on complementarity;<sup>24</sup>

92. *Also welcomes* the information by the Secretariat on the progress in giving effect to its mandate to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and *further welcomes* the work that has already been undertaken by the Secretariat and the President of the Assembly;

93. *Further welcomes* the focused dialogue and the exchange of views on strategic action to enhance national capacity to investigate and prosecute sexual and gender-based crimes that may amount to Rome Statute crimes, in particular on access to justice and empowerment of victims, held in the plenary discussion on complementarity during the fourteenth session of the Assembly and *takes note* of the recommendations presented by the International Development Law Organization;<sup>25</sup>

94. *Encourages* the Court to continue its efforts in the field of complementarity, including through exchange of information between the Court and other relevant actors, while *recalling* the Court's limited role in strengthening national jurisdictions and also *encourages* inter-State cooperation in that regard;

## S. Independent Oversight Mechanism

95. *Refers* to its resolution ICC-ASP/12/Res.6 on the Independent Oversight Mechanism;

96. *Recalling* the importance of a fully operational Independent Oversight Mechanism, in accordance with ICC-ASP/8/Res.1 and ICC-ASP/9/Res.5, to the efficient and effective operation of the Court, *welcomes* the selection by the Bureau of, and the commencement of duties on 15 October 2015 by, the Head of the Independent Oversight Mechanism;

## T. Programme budget

97. *Takes note* of the important work done by the Committee on Budget and Finance, and *reaffirms* the independence of the members of the Committee;

98. *Recalls* that, according to its Rules of Procedure,<sup>26</sup> the Committee on Budget and Finance shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications and *emphasizes* the importance of ensuring that the Committee is represented at all stages of the deliberations of the Assembly at which documents that contain financial or budgetary implications are considered;

99. *Takes note with concern* of the report of the Bureau on the arrears of States Parties;<sup>27</sup>

100. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and *urges* all States Parties to the Rome Statute to transfer their assessed contributions in full and by the deadline for contributions or, in the event of pre-existing arrears, immediately, in accordance with article 115 of the Rome Statute, rule 105.1 of the Financial Regulations and Rules, and other relevant decisions taken by the Assembly;

101. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute voluntarily to the Court, and *expresses its appreciation* to those that have done so;

<sup>24</sup> ICC-ASP/14/32.

<sup>25</sup> International Development Law Organization paper entitled "Complementarity for sexual and gender-based atrocity crimes", November 2015.

<sup>26</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), annex III.

<sup>27</sup> ICC-ASP/14/40.

## U. Review Conference

102. *Recalls* that at the successful first Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010, States Parties adopted amendments to the Rome Statute, in accordance with article 5, paragraph 2, of the Rome Statute to define the crime of aggression and to establish conditions under which the Court could exercise jurisdiction with respect to that crime,<sup>28</sup> adopted amendments to the Rome Statute to expand the jurisdiction of the Court to three additional war crimes when committed in armed conflicts not of an international character,<sup>29</sup> and decided to retain, for the time being, article 124 of the Rome Statute;<sup>30</sup>

103. *Notes* that those amendments are subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 5, of the Rome Statute and *notes with appreciation* the recent ratifications of the amendments;

104. *Calls upon* all States Parties to consider ratifying or accepting these amendments and *resolves* to activate the Court's jurisdiction over the crime of aggression as early as possible, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Rome Statute;

105. *Further recalls* the discussions on the issue of peace and justice at the stock-taking exercise held at the Review Conference and *notes* the interest to resume the discussions on this issue;

106. *Recalls* with appreciation pledges of increased assistance to the Court made by thirty-five States Parties, one observer State, and one regional organization, *calls upon* these States and the regional organization to ensure the swift implementation of these pledges, and *also calls upon* States and regional organizations to submit additional pledges and to report further at the fifteenth session of the Assembly, in written form or through their statement at the general debate on the implementation thereof;

## V. Consideration of amendments

107. *Welcomes* the report of the Bureau on the Working Group on Amendments;<sup>31</sup>

108. *Recalls* its decision to adopt the amendment to article 124 pursuant to resolution ICC-ASP/14/Res.2, and *notes* that this amendment is subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 4, of the Rome Statute;

109. *Calls upon* all States Parties to ratify or accept the amendment to article 124, and *urges* all States that have not done so to ratify or accede to the Rome Statute, and in doing so to also ratify or accept the amendment to article 124;

## W. Participation in the Assembly of States Parties

110. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute in a timely manner and voluntarily to the Trust Fund to allow the participation of least developed countries and other developing States in the annual session of the Assembly and *expresses its appreciation* to those that have done so;

111. *Encourages* the continuation of efforts undertaken by the President of the Assembly to hold an ongoing dialogue with all stakeholders, including regional organizations and *calls upon* all States Parties to support the President in his undertakings aimed at strengthening the Court, the independence of proceedings and the Rome Statute system as a whole;

112. *Decides* to entrust the Court, the President of the Assembly, the Bureau, the Advisory Committee on Nominations, the Working Group on Amendments, the focal points on non-cooperation and the Secretariat, as appropriate, with the mandates contained in annex I to the present resolution.

<sup>28</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.6.

<sup>29</sup> *Ibid.*, RC/Res.5.

<sup>30</sup> *Ibid.*, RC/Res.4.

<sup>31</sup> ICC-ASP/14/34.

## Annex I

### Mandates of the Assembly of States Parties for the intersessional period

1. With regard to **universality of the Rome Statute**,
  - (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;<sup>1</sup> and
  - (b) *requests* the Bureau 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 fifteenth session;
2. With regard to **cooperation**,
  - (a) *requests* the President of the Assembly, to continue to engage actively and constructively with all relevant stakeholders, in accordance with the Bureau procedures on non-cooperation, both to prevent instances of non-cooperation and to follow up on a matter of non-cooperation referred by the Court to the Assembly;
  - (b) *urges* the Bureau to continue consideration of the recommendations of the draft Action Plan on Arrest Strategies<sup>2</sup> with a view to its adoption, and to report thereon to the fifteenth session of the Assembly;
  - (c) *invites* the Bureau, through its Working Groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities, taking into consideration the study in annex II of the report of the Bureau on cooperation to the thirteenth session<sup>3</sup> and to report to the Assembly well in advance of the sixteenth session;
  - (d) *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance;
  - (e) *requests* the Bureau, through its Working Groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its fifteenth session;
  - (f) *also requests* the Bureau, through its Working Groups, to continue its review of the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,<sup>4</sup> in close cooperation with the Court, where appropriate;
  - (g) *further requests* the Bureau to maintain a facilitation of the Assembly for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;
  - (h) *requests* the Court to submit an updated report on cooperation to the Assembly at its fifteenth session and annually thereafter;
  - (i) *requests* that any information concerning potential or confirmed travel of persons against whom an arrest warrant has been issued be promptly shared with the Court by the focal points on non-cooperation; and
  - (j) *requests* the Bureau to continue to actively engage throughout the intersessional period with all relevant stakeholders to continue to ensure effective implementation of the non-cooperation procedures and to submit a report on its activities to the Assembly at its fifteenth session with the outcomes of the review of implementation;

---

<sup>1</sup> ICC-ASP/14/31.

<sup>2</sup> ICC-ASP/14/26/Add.1, appendix.

<sup>3</sup> ICC-ASP/13/29.

<sup>4</sup> Resolution ICC-ASP/6/Res.2, annex II.

3. With regard to the **relationship with the United Nations**,
- (a) *invites* the Court to continue its institutional dialogue with the United Nations, based on the Relationship Agreement between the United Nations and the International Criminal Court; and
- (b) *requests* the Registry to report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council;
4. With regard to **relationships with other international organizations and bodies**, *invites* the Court to include in its annual report to the United Nations General Assembly a section on the status and implementation of specific agreements on cooperation with other international organizations;
5. With regard to **elections**,
- (a) *requests* the Bureau to update the Assembly, at its fifteenth session, on the progress of the review to the procedure for the nomination and election of judges;<sup>5</sup>
- (b) *also requests* the Bureau to undertake, in consultation with the Advisory Committee on Nominations and at the end of its mandate, a review of the experience of the Advisory Committee and to report to the Assembly at its fifteenth session on that experience, including suggestions, as appropriate, on how to improve the terms of reference contained in the annex of the report of the Bureau on the establishment of an Advisory Committee on nominations of judges of the International Criminal Court (ICC-ASP/10/36);<sup>6</sup>
- (c) *further requests* the Bureau to ensure that elections of judges and other Court officials at regular sessions do not disrupt work under other agenda items, notably in light of recent experience at the thirteenth session; and
- (d) *requests* the Advisory Committee to report on its work to the sixteenth session of the Assembly;
6. With regard to **Legal Aid**,
- (a) *requests* the Court and the Bureau to keep the legal aid system under review;
- (b) *calls upon* the Court to continue monitoring the implementation performance of legal aid;
- (c) *reiterates its request* to the Court, in line with paragraph 6 of annex I of resolution ICC-ASP/12/Res.8 and paragraph 5 of annex I of resolution ICC-ASP/13/Res.5, to reassess the functioning of the legal aid system and to report on its findings to the Bureau, as well as to present, as appropriate, a proposal to the Bureau for adjustments of the existing legal aid system upon the completion of the first full judicial cycles<sup>7</sup> and within the timeframe as indicated in the above mentioned resolution; and
- (d) *mandates* the Bureau, as appropriate, to further consider, in consultation with the Court, any structural changes to the legal aid system, including measures to further enhance the efficiency of the legal aid system;
7. With regard to the **Study Group on Governance**,
- (a) *invites* the Court to further engage in a structured dialogue with States Parties 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;
- (b) *requests* the Study Group to report back to its fifteenth session;

<sup>5</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.6.

<sup>6</sup> Such as the question of conflict of interest.

<sup>7</sup> The end of the full judicial cycles refers to the issuance of a final appeal decisions in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and the case of *The Prosecutor v. Mathieu Ngudjolo Chui* respectively, including, as appropriate, a final decision on reparations.

(c) *invites* the Court to monitor the use of intermediaries through its Working Group on Intermediaries with a view to safeguarding the integrity of the judicial process and the rights of the accused;

(d) *requests* the Court to inform States Parties, when appropriate, about important developments pertaining to the use of intermediaries, which might require the Court to amend the Guidelines; and

(e) *invites* the Bureau in consultation with the Court to continue its consideration of the recommendation in paragraph 44 of the report of the Committee on Budget and Finance on the work of its twenty-third session,<sup>8</sup> in the context of the review of the budgetary process, taking into account the Strategic Plan for 2016-2018 of the Office of the Prosecutor, the Report on the Basic Size of the Office of the Prosecutor and other relevant documents of the Court;

8. With regard to **proceedings of the Court**,

(a) *invites* the Court to intensify its efforts to enhance the efficiency and effectiveness of proceedings including by adopting further changes of practice;

(b) *also invites* the Court to share with the Study Group on Governance any update on the development of qualitative and quantitative indicators that would allow the Court to demonstrate better its achievements and needs, as well as allowing States Parties to assess the Court's performance in a more strategic manner; and

(c) *encourages* the Bureau, including through the two Working Groups and the Study Group on Governance, to continue to support the Court's efforts to enhance the efficiency and effectiveness of proceedings, and to consider including, if appropriate, a specific item on this issue on the agenda of the fifteenth session of the Assembly;

9. With regard to the **working methods review**,

(a) *invites* the Bureau to implement the recommendations of the 2013 working methods report,<sup>9</sup>

(b) *requests* the Bureau to establish facilitations only if the mandate requires open-ended consultations, and the matter cannot be addressed by a less resource-intensive mechanism, such as a rapporteur or a focal point;<sup>10</sup>

(c) *invites* the Bureau to use existing technologies such as video-conferencing in order to ensure participation of members of the Bureau not represented at the venue of the Bureau meeting;

(d) *requests* that the Bureau conduct an evaluation of the mechanisms established for carrying out the mandates received, and, where appropriate, consider the inclusion of end-dates and that it prepare recommendations on the reduction of the number and length of reports; and

(e) *decides* to include a specific item on the working methods of the subsidiary bodies of the Bureau and the Assembly on the agenda of the fifteenth session of the Assembly;

10. With regard to **strategic planning**,

(a) *requests* the Court that its communication strategy be consistently and efficiently implemented in line with the respective mandates and responsibilities within the Court;

(b) *recalls* its invitation to the Court to hold annual consultations with the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year, with a view to improving performance indicators updated on the basis of lessons learnt;

<sup>8</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2.

<sup>9</sup> ICC-ASP/12/59.

<sup>10</sup> As outlined, e.g., in paras. 21(a) and 23(b) of the Report on the Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau (ICC-ASP/12/59).



(c) *invites* the Office of the Prosecutor to inform the Bureau on the implementation of its Strategic Plan for 2016-2018;

(d) *requests* the Bureau to continue to engage in a dialogue with the Court on the development of a comprehensive risk-management strategy and to report thereon to the fifteenth session of the Assembly; and

(e) *also requests* the Bureau to continue to engage in dialogue with the Court on the implementation of the strategic approach to the Court's presence in the field with a view to the development of the Court strategy on field operations and to report thereon on a regular basis;

11. With regard to **Victims and affected communities, reparations and Trust Fund for Victims**,

(a) *requests* the Court to continue to establish principles relating to reparations in accordance with article 75, paragraph 1, of the Rome Statute as a priority in the context of its judicial proceedings;

(b) *encourages* the Board of Directors and the Secretariat of the Trust Fund for Victims to continue to strengthen its ongoing dialogue with the Court, States Parties and the wider international community, including donors as well as non-governmental organizations, who all contribute to the valuable work of the Trust Fund for Victims, so as to ensure increased strategic and operational visibility and to maximize its impact and ensure the continuity and sustainability of the Fund's interventions;

(c) *requests* the Court and the Trust Fund for Victims to continue developing a strong collaborative partnership, mindful of each other's roles and responsibilities, to implement Court-ordered reparations;

(d) *decides* to continue to monitor the implementation of the rights of victims under the Rome Statute, with a view to ensuring that the exercise of these rights is fully realized and that the continued positive impact of the Rome Statute system on victims and affected communities is sustainable;

(e) *mandates* the Bureau to continue considering victims-related issues as necessary or as they arise, having recourse to any appropriate process or mechanism; and

(f) *requests* the Court to make available to the Assembly appropriate statistics in relation to victims admitted to participate in proceedings before the Court when these are publicly submitted to the respective Chambers in the context of the judicial proceedings; such statistics may include, as appropriate, information on gender, criminal offense and situation, among other pertinent criteria as determined by the relevant Chamber;

12. With regard to **recruitment of staff**,

(a) *endorses* the recommendations of the Committee on Budget and Finance in relation to geographical representation and gender balance contained in the reports of its twenty-third, twenty-fourth and twenty-fifth sessions;<sup>11</sup>

(b) *requests* the Court to submit a comprehensive report on human resources to the Assembly at its fifteenth session, which would include an update on the implementation of the recommendations on the topic which would be made by the Committee on Budget and Finance in 2016;

(c) *requests* the Bureau to continue to engage with the Court to identify ways to improve equitable geographical representation and increase the recruitment and retention of women in higher level professional posts, without prejudice to any future discussions on the suitability, or otherwise, of the current model, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the fifteenth session of the Assembly; and

<sup>11</sup> Respectively *Official Records...Thirteenth session ...2014* (ICC-ASP/13/20), vol.II, part B.2 and *Official Records...Fourteenth session ...2015* (ICC-ASP/14/20), vol.II, parts B.1 and B.2.

(d) *Urges* the Registry to seize the opportunity of the outstanding and future recruitment processes to implement measures that would contribute to the efforts of meeting the desirable ranges of geographical representation and gender balance;

13. With regard to **complementarity**,

(a) *requests* the Bureau to remain seized of this issue and to continue the dialogue with the Court and other stakeholders on complementarity, including on complementarity related capacity-building activities by the international community to assist national jurisdictions, on possible situation-specific completion strategies of the Court and the role of partnerships with national authorities and other actors in this regard, and also including to assist on issues such as witness protection and sexual and gender-based crimes; and

(b) *requests* the Secretariat to, within existing resources, continue to develop its efforts in facilitating the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and to report to the fifteenth session of the Assembly on further progress in this regard;

14. With regard to the **programme budget**,

(a) *requests* the Secretariat, together with the Committee on Budget and Finance, to continue to make the necessary arrangements to ensure that the Committee is represented at all stages of the deliberations of the Assembly at which documents that contain financial or budgetary implications are considered;

(b) *decides* that the Bureau, through the President of the Assembly, the coordinator of the Working Group and the focal point, should continue to monitor the status of payments received throughout the financial year of the Court and consider additional measures to promote payments by all States Parties, as appropriate, continue to engage in dialogue with States Parties that have outstanding contributions or are in arrears and report thereon to the Assembly at its fifteenth session; and

(c) *requests* the Secretariat to inform States Parties periodically of States that have recovered their voting rights following payment of their arrears;

15. With regard to the **Review Conference**, *requests* the Secretariat to make publicly available on the Court's website information provided by States and regional organizations on the pledges of increased assistance to the Court made in Kampala;

16. With regard to **consideration of amendments**,

(a) *invites* the Working Group on Amendments to continue its consideration of all amendment proposals, in accordance with the Terms of Reference of the Working Group; and

(b) *requests* the Bureau to submit a report for the consideration of the Assembly at its fifteenth session;

17. With regard to **participation in the Assembly of States Parties**,

(a) *recalls* its decision to hold a pledging ceremony during the fifteenth session of the Assembly on the ratification of the Agreement on Privileges and Immunities to invite States Parties to ratify it before the 20<sup>th</sup> anniversary of the Rome Statute (July 2018);

(b) *decides* that the Committee on Budget and Finance shall hold its twenty-sixth session from 18 to 22 April 2016 and its twenty-seventh session from 19 to 30 September 2016; and

(c) *also decides* that the Assembly shall hold its fifteenth session in The Hague from 16 to 24 November 2016, its sixteenth session in New York and its seventeenth session in The Hague.

## Annex II

### **Amendments to resolution ICC-ASP/3/Res.6, regarding the procedure for the nomination and election of judges**

#### **A. Amend paragraph 1 as follows**

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of judges of the International Criminal Court. The communication shall reproduce paragraph 6 of this resolution and remind Governments of the importance of elected judges who have made their solemn undertaking being available to take up their full-time service when the Court's workload so requires.

#### **B. Amend paragraph 6 as follows**

6. Every nomination should be accompanied by a statement:

(a) Specifying in the necessary detail how the candidate fulfils each of the requirements in article 36, paragraph 3(a), (b) and (c), of the Statute, in accordance with article 36, paragraph 4(a), of the Statute;

(b) Indicating whether the candidate is being nominated for inclusion in list A or list B for the purposes of article 36, paragraph 5, of the Statute;

(c) Containing information relating to article 36, paragraph 8(a)(i) to (iii), of the Statute;

(d) Indicating whether the candidate has any expertise under article 36, paragraph 8(b), of the Statute;

(e) Indicating under which nationality the candidate is being nominated for the purposes of article 36, paragraph 7, of the Statute, where a candidate is a national of two or more States;

(f) Indicating the commitment of the candidate to be available to take up full-time service when the Court's workload so requires.

#### **C. Amend paragraph 23 as follows**

23. Once regional and gender voting requirements are discontinued and provided that the number of remaining candidates allows the minimum voting requirements regarding lists A and B to be fulfilled, each further ballot shall be restricted to the most successful candidates of the previous ballot. Before each ballot, the candidate (or, in the event of a tie, the candidates) having obtained the lowest number of votes in the previous ballot shall thus be excluded, provided that the number of candidates remains at least twice the number of seats to be filled.

#### **D. Add a new paragraph 27 *ter***

*27 ter.* If the judicial vacancy occurs during the intersessional period prior to a regular election of six judges, the election to fill that vacancy shall take place at that same session, unless the Bureau decides otherwise after consulting the Court. If the Bureau decides to hold the vacancy election at that same session, the procedures for the nomination and election of judges shall apply *mutatis mutandis*, subject to the following provisions:

(a) Candidates nominated for the regular election shall also be considered as nominated for the vacancy election, unless the nominating State Party decides otherwise. States Parties may also nominate candidates for the vacancy election only, without restriction to any region, gender or list. No separate nomination period is required for the vacancy election.

(b) The judicial vacancy shall not affect the calculation of the minimum voting requirements for the regular election (paragraphs, 11, 20, 21 and 22).

(c) The election to fill the judicial vacancy shall take place after the regular election of six judges has concluded, and at least one day later to allow the early distribution of instructions and sample ballot papers in accordance with paragraph 25.

(d) Those candidates that have not been elected in the regular elections shall be included on the ballot paper for the vacancy election, unless the nominating State Party decides otherwise, and subject to paragraphs (e) and (f) below.

(e) If after the regular election the number of judges from list A remains below nine or the number of judges from list B below five, only candidates from the underrepresented list shall be included on the ballot paper; others shall no longer be considered as nominated.

(f) If after the regular election a regional or gender minimum voting requirement is not fulfilled, only candidates that can satisfy any of the underrepresented regional minimum voting requirements as well as the underrepresented gender minimum voting requirement shall be included on the ballot paper; others shall no longer be considered as nominated.

(g) A judge elected to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is three years or less, shall be eligible for re-election for a full term under article 36 of the Statute.

## Annex III

### **Amendments to resolution ICC-ASP/1/Res.6 on the establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, as amended by resolution ICC-ASP/4/Res.5**

*Insert the following text after paragraph 3 of the annex:*

“In the event that, at a regular election, not all five seats have been filled, an election shall be held in accordance with the procedure for the nomination and election of members of the Board of Directors of the Trust Fund for the benefit of victims. The procedure shall apply *mutatis mutandis*, subject to the following provisions:

(a) The Bureau of the Assembly of States Parties may fix a nomination period which is shorter than the one used for regular elections;

(b) Nominations shall be restricted to the regional group whose seat has not been filled;

(c) The Bureau of the Assembly of States Parties may elect the member;

(d) The term of office of a member elected in accordance with this paragraph shall run concurrently with the term of office of the other members of the Board.”