

TWENTY-THIRD SESSION OF THE ASSEMBLY OF STATES PARTIES

Review of the International Criminal Court and the Rome Statute system: Conclusion of the Review Mechanism's mandate and future of the review process

Plenary meeting

4 December 2024

15:00 – 16:30 hours

Concept note

Background

Following the publication of the Report of the Group of Independent Experts (IER) on 30 September 2020, the Assembly, at its nineteenth session, established a Review Mechanism to assess the recommendations in the in the Report of the Group of Independent Experts.¹ The Review Mechanism has been led by two State Party representatives, Ambassador Paul van den IJssel (Netherlands) and Ambassador Michael Imran Kanu (Sierra Leone), and the *ad country* focal points Bangladesh, Chile and Poland.²

Since its inception, the Review Mechanism has completed the assessment of all the IER's 384 recommendations except one,³ which has contributed to the strengthening of the ICC and the Rome Statute system. The Categorization of IER recommendations and the Comprehensive Action Plan, prepared by the Review Mechanism and adopted by the Bureau in 2021, have been a key tool in guiding this process. Key stakeholders, including States Parties, the Court, Assembly mandate-holders, the Staff Union Council and civil society have played vital roles in these efforts.

Conclusion of the Review Mechanism's mandate

As the Assembly approaches its twenty-third session, the Review Mechanism is nearing the conclusion of its mandate, having assessed all but one of the IER's recommendations. The Assembly is expected to terminate the mandate of the Review Mechanism and transition oversight of the recommendations to the Bureau, which will continue monitoring their implementation through existing governance structures or in any other forum it deems appropriate.

Draft resolutions and future of the review process

The Review Mechanism has submitted three draft resolutions for the consideration of the Assembly:

¹ Under the auspices of the Assembly, led by two State Party Representatives dedicated to planning, coordinating, keeping track and regularly reporting to the Assembly Presidency and the Bureau on the assessment of the recommendations contained in the Report of the Group of Independent Experts and further action, as appropriate, as well as the issues referenced in resolution ICC-ASP/18/Res.7 paragraphs 18 and 19, and in general in accordance with that resolution. See ICC-ASP/19/Res.7, para. 4.

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

³ R140.

1. On the implementation of a Tenure policy as of 1 January 2025;
2. On a moratorium on the recruitment of staff of non-States Parties as of 1 January 2025; and
3. On the Review of the International Criminal Court and the Rome Statute system.

The draft resolution on the Review process emphasizes the need for ongoing oversight, with the Bureau playing a key role in monitoring progress and collaborating with Assembly mandate-holders to ensure the implementation of the recommendations. The Assembly will task the Bureau with determining the appropriate forums for ongoing oversight of specific topics previously handled by the Review Mechanism, such as "Working culture," "Relations with civil society and media," "Tenure policy," "Moratorium on the recruitment of staff of non-States Parties," and the "Trust Fund for Victims." This ensures targeted follow-up on these important issues. The Bureau will also collaborate with Assembly mandate-holders to monitor the implementation of specific recommendations, with progress reports to be submitted to the twenty-fourth session of the Assembly to ensure transparency and accountability.

The Review Mechanism recalls that, at the beginning of its mandate, it stated that it was not its intention to create new bodies but that it would act as a forum for discussion in the absence of facilitators. The plenary session will explore the future of the review process, offering a platform for States Parties and stakeholders to share views and contribute to the ongoing dialogue, which is crucial for the Assembly, the Court, and all involved parties.

As the Review Mechanism's mandate concludes, at a plenary session on 4 December 2024, the Assembly will discuss the future work of the review process. The discussion will provide a platform for States Parties and all stakeholders to share their perspectives on how to ensure continued progress and oversight.

The plenary will provide the opportunity for all delegations, including those that have not been able to participate more fully during the year, to contribute to the discussion of this key issue. The Review Mechanism invites States Parties and all stakeholders to express their views on the future of the review process.

Programme

The programme will be as follows:

- 1) Opening of the plenary by the President of the Assembly, Ms. Paivi Kaukoranta.
- 2) Remarks by the President of the Assembly (5 minutes).
- 3) Joint presentation by the State Party representatives, Ambassador Paul van den IJssel (Netherlands) and Ambassador Michael Imran Kanu (Sierra Leone) (10 minutes).
- 4) Statement by the Court (5 minutes).
- 5) Interactive discussion with all stakeholders and the Review Mechanism and the Court focal points.

In order to ensure the interactive nature of the discussion, the Review Mechanism encourages participants to, as far as possible, refrain from delivering lengthy prepared statements and to instead react to presentations by the Review Mechanism, the Court and other speakers, specifically on the future steps. Should participants wish to deliver a statement, such statement must not exceed three minutes, in view of the limited time. Participants may register

to speak by sending an email to the following address: iccaspReviewMechanism@gmail.com. Participants may also request the floor during the plenary.

In view of the importance of the future of the review process to strengthen the Court and the Rome Statute system, the Review Mechanism would appreciate hearing the views of States Parties and all stakeholders on the process moving forward.
