

SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES

Legal aid

Preparatory meeting foreseen in ICC-ASP/23/Res.1, annex I, para. 7(c)

Facilitator's summary

As foreseen in resolution ICC-ASP/23/Res.1, annex I, para. 7(c), the preparatory meeting to prepare a draft text of a possible amendment to the Agreement on the Privileges and Immunities of the International Criminal Court (APIC) took place on 30 June 2025.

The meeting was open to all States Parties, Observer States, the Court and civil society. Interpretation into English and French was provided.

Delegations examined the proposed text of an amendment to the APIC that had featured in a position paper prepared by the International Criminal Court Bar Association (ICCBA) in April 2025, and which was subsequently circulated by the facilitator to all States as a basis for discussion ahead of the preparatory meeting.

During examination of the text, delegations expressed general support, or support in principle, for the proposed text, viewing it as a suitable basis to accomplish the goal of amending the APIC. Many delegations expressed their need for more time to further consider the precise text with capitals, while a few delegations expressed their “full support” for the text. A few delegations representing States not yet Party to the APIC said that they similarly believed the text to present a suitable path forward.

No delegation expressed opposition to the text during the meeting. Indeed, there was widespread general interest in examining this text further, with a view to arriving at a mutually agreeable text that can be submitted for consideration at a Review Conference in accordance with article 36 of the APIC.

The ICCBA shared legal and policy justifications for the text, consistent with the views expressed in their position papers of April 2025 and of May 2025. The Registry agreed with the ICCBA's observations, among others, that financial realities due to taxation had tended to limit the pool of experienced defense and victim's counsel, confirming that counsel at the ICC have tended to have less years of legal experience, which may be correlated with proceedings at the ICC becoming longer and more costly.

A number of delegations asked about the practical implications or how the proposed text would concretely operate. The Registry provided an oral response, with concrete examples.

A delegation raised a drafting suggestion to clearly reflect that article 18(4) of the APIC would be applicable to the teams of both the defense and victims' representatives. The drafting proposal will be circulated for consideration by States.

The facilitator suggested that a further meeting to continue discussion on the matter could be held in September. In this meeting, it may be useful to begin discussing draft resolution text that would reflect the outcome of the discussions in the preparatory meetings.

The facilitator requested delegations to seek instructions on the proposed text under discussion in advance of the September meeting. Delegations expressed interest in the Host State's views on the proposed text in order to take it into account in formulating or finalizing national positions, and the Host State expressed its openness to continue to engage in discussions on this issue.

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