

Advance version

**ASSEMBLY OF STATES PARTIES TO
THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

**TWENTY-SECOND SESSION
NEW YORK, 4-14 DECEMBER 2023**

**OFFICIAL RECORDS
VOLUME I**

Note

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Dec.”.

Pursuant to resolution ICC-ASP/7/Res.6, the Official Records are available in Arabic, English, French and Spanish.

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Part I Proceedings

A. Introduction

1. At the 9th plenary meeting of the twenty-first session, on 9 December 2022, the Assembly of States Parties to the Rome Statute of the International Criminal Court (“the Assembly”) decided to hold its twenty-second session in New York from 4 to 14 December 2023.
2. In accordance with the Rules of Procedure of the Assembly of States Parties¹ (“the Rules of Procedure”), the President of the Assembly invited all States Parties to the Rome Statute to participate in the session. Other States that had signed the Statute or the Final Act were also invited to participate in the session as observers.
3. In accordance with rule 92 of the Rules of Procedure, invitations to participate in the session as observers were also extended to representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly of the United Nations pursuant to its relevant resolutions,² as well as to representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly.
4. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court, or in consultative status with the Economic and Social Council of the United Nations, whose activities were relevant to the activities of the Court or that had been invited by the Assembly, attended and participated in the work of the Assembly.
5. In accordance with rule 94 of the Rules of Procedure, the following States were invited to be present during the work of the Assembly: Bhutan, Democratic People’s Republic of Korea, Equatorial Guinea, Eswatini, Lao People’s Democratic Republic, Lebanon, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Somalia, South Sudan, Tonga, Turkmenistan and Tuvalu.
6. The list of delegations to the session is contained in document ICC-ASP/22/INF.1.
7. The session was opened by the President of the Assembly of States Parties, Ms. Silvia Fernández de Gurmendi (Argentina), who had been elected for the twentieth to twenty-second sessions.³
8. At its 1st plenary meeting, on 4 December 2023, the Assembly appointed Mr. Abdou Ndoye (Senegal) as Rapporteur for the twenty-second session.
9. The Director of the Secretariat of the Assembly, Mr. Renan Villacis, acted as Secretary of the Assembly. The Assembly was serviced by the Secretariat.
10. At its 1st plenary meeting, on 4 December 2023, the Assembly observed one minute of silence dedicated to prayer or meditation, in accordance with rule 43 of the Rules of Procedure, and remembered, in particular, victims.

¹ *Official Records ... First session... 3-10 September 2002* (ICC-ASP/1/3 and Corr.1), part II.C.

² General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31, 57/32, 58/83, 58/84, 58/85, 58/86, 59/48, 59/49, 59/50, 59/51, 59/52, 59/53, 60/25, 60/26, 60/27, 60/28, 61/43, 61/259, 62/73, 62/74, 62/77, 62/78, 63/131, 63/132, 64/3, 64/121, 64/122, 64/123, 64/124, 66/109, 66/113, 69/130, 70/124, 71/153, 71/155, and decision 56/475.

³ At its nineteenth session, the Assembly had, pursuant to rule 29 of its Rules of Procedure, elected Ms. Silvia Fernández de Gurmendi (Argentina) as President, and Mr. Robert Rae (Canada) and Ms. Katerina Sequensová (Czech Republic) as Vice-Presidents. See: *Official Records ... Nineteenth session, first and second resumptions ... 2019* (ICC-ASP/19/20), Add.1, Chapter I, paras. 13-15 and Chapter II, para. 12.

11. At the same meeting, the Assembly adopted the following agenda (ICC-ASP/22/1):
 1. Opening of the session by the President.
 2. Silent prayer or meditation.
 3. Election of the President for the twenty-third to twenty-fifth sessions.
 4. Election of two Vice-Presidents and eighteen members of the Bureau for the twenty-third to twenty-fifth sessions.
 5. Adoption of the agenda.
 6. States in arrears.
 7. Credentials of representatives of States at the twenty-second session:
 - (a) Appointment of the Credentials Committee; and
 - (b) Report of the Credentials Committee.
 8. Organization of work.
 9. General debate.
 10. Report on the activities of the Bureau.
 11. Report on the activities of the Court.
 12. Report of the Board of Directors of the Trust Fund for Victims.
 13. Review of the International Criminal Court and the Rome Statute system
 14. Election of six judges
 15. Election of members of the Committee on Budget and Finance.
 16. Consideration and adoption of the budget for the twenty-second financial year.
 17. Consideration of the audit reports.
 18. Cooperation.
 19. Amendments to the Rome Statute and the Rules of Procedure and Evidence.
 20. Twenty-fifth anniversary of the adoption of the Rome Statute.
 21. Decision concerning the date of the next session of the Assembly of States Parties.
 22. Decisions concerning the dates and venue of the next sessions of the Committee on Budget and Finance.
 23. Other matters.
12. The annotated list of items included in the provisional agenda was contained in a note by the Secretariat (ICC-ASP/22/1/Add.1).
13. Also at its 1st plenary meeting, on 4 December 2023, the Assembly agreed on a programme of work and decided to meet in plenary session as well as in the working group format. The Assembly established a Working Group on the Programme Budget for 2024.
14. Ms. Ksenija Milenković (Serbia) was appointed Coordinator of the Working Group on the Programme Budget for 2024. Ms. Alexandra Hutchison (Australia) was appointed Coordinator of the consultations on the omnibus resolution. Ms. Mosammat Shahanara Monica (Bangladesh) was appointed Coordinator on the composition of the Committee on Budget and Finance. Mr. François Alabrune (France) and Mr. Momar Gueye (Senegal) were appointed Co-Coordinators for cooperation.

B. Consideration of issues on the agenda of the Assembly at its twenty-second session

1. Election of the President for the twenty-third to twenty-fifth sessions

15. At its tenth meeting, on 1 November 2023, the Bureau decided to recommend that Ms. Päivi Kaukoranta (Finland) be elected President of the Assembly for the three-year period commencing at the close of the twenty-second session of the Assembly on 14 December 2023. In accordance with article 112, paragraph 3, of the Rome Statute and rule 29 of the Rules of Procedure of the Assembly of States Parties, as amended by resolution ICC-ASP/12/Res.8, annex III, the Assembly, at its 1st plenary meeting, on 4 December 2023, elected Ms. Päivi Kaukoranta (Finland) by acclamation as President of the Assembly for the twenty-third to twenty-fifth sessions.

2. Election of two Vice-Presidents and eighteen members of the Bureau for the twenty-third to twenty-fifth sessions

16. At its 1st plenary meeting, on 4 December 2023, the Assembly, pursuant to rule 29 of its Rules of Procedure, elected two Vice-Presidents and 18 members of the Bureau for the twenty-third to twenty-fifth sessions of the Assembly, as follows:

Vice-Presidents:

Mr. Michael Imran Kanu (Sierra Leone); and

Ms. Margareta Kassangana (Poland)

Other members of the Bureau:

Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Chile, Cyprus, Ecuador, Italy, Japan, Kenya, Latvia, New Zealand, Republic of Korea, Senegal, Slovenia, South Africa, Switzerland and Uganda.

3. States in arrears

17. At its 1st plenary meeting, on 4 December 2023, the Assembly was informed that article 112, paragraph 8, first sentence, of the Rome Statute was applicable to 13 States Parties.

18. The President of the Assembly renewed the appeal to States Parties in arrears to settle their accounts with the Court as soon as possible. The President also appealed to all States Parties to pay their assessed contributions for 2024 in a timely manner.

19. Pursuant to article 112, paragraph 8, of the Rome Statute, 13 States Parties in arrears submitted requests to the Assembly for exemption from the loss of voting rights. The Assembly approved the requests at its 1st and 2nd plenary meetings, on 4 December 2023.

4. Credentials of representatives of States Parties at the twenty-second session

20. At its twenty-second session, the Assembly appointed the following members of the Credentials Committee: Argentina, Bulgaria, Czech Republic, Finland, Ghana, Mexico, Netherlands, United Republic of Tanzania and Venezuela (Bolivarian Republic of).

21. At its 10th plenary meeting, on 14 December 2023, the Assembly adopted the report of the Credentials Committee (see annex I to this report).

5. General debate⁴

22. At the 3rd, 4th and 5th plenary meetings, on 6 and 7 December 2023, statements were made by the representatives of Andorra; Argentina; Australia; Austria; Bangladesh; Belgium; Bolivia (Plurinational State of); Botswana; Brazil; Bulgaria; Burkina Faso; Canada; Central

⁴ Some of the statements were delivered in-person and some via written submissions. The alphabetical list of speakers and all submitted statements can be found on the website of the Assembly at: https://asp.icc-cpi.int/sessions/general-debate/GeneralDebate_22nd_session.

African Republic; Chile; Colombia; Costa Rica; Croatia; Czech Republic; Democratic Republic of the Congo; Denmark; Djibouti; Ecuador; El Salvador; Estonia; Finland; France; Gambia; Georgia; Germany; Ghana; Greece; Guatemala; Guinea; Iceland; Ireland; Italy; Japan; Jordan (Hashemite Kingdom of); Kenya; Latvia; Liechtenstein; Lithuania; Luxembourg; Mali; Malta; Mexico; Mongolia; Netherlands (Kingdom of the); New Zealand; Nigeria; Norway; Paraguay; Peru; Poland; Portugal; Republic of Korea; Romania; Senegal; Sierra Leone; Slovakia; Slovenia; South Africa; Spain; Spain [on behalf of the European Union]; State of Palestine; Sweden; Switzerland; Tanzania (United Republic of); Uganda; United Kingdom of Great Britain and Northern Ireland; Uruguay; and Venezuela (Bolivarian Republic of). Statements were also made by Armenia; China (People's Republic of); Iran (Islamic Republic of); Israel; and United States of America.

23. The following international organization made statement: International Development Law Organization. A statement was made by the International Criminal Court Bar Association. The following non-governmental organizations also made statements: Afghanistan Human Rights and Democracy Organisation (AHRDO); Asia Justice Coalition; Burundi National Coalition for the International Criminal Court; Coalition for the International Criminal Court; Human Rights Watch; Justicia y Verdad; Libyan Crimes Watch, Coalition of Libyan civil society organisations; Al Haq, Al Mezan Center for Human Rights, the Palestinian Center for Human Rights, Defense for Children-Palestine and the International Federation for Human Rights (FIDH); Philippines Coalition for the International Criminal Court, Amnesty International Philippines and Children's Legal Rights and Development Center; Ukraine 5am Coalition, and Global Initiative Tribunal 4 Putin.

6. Report on the activities of the Bureau

24. At its 1st plenary meeting, on 4 December 2023, the Assembly took note of the oral report on the activities of the Bureau,⁵ delivered by the President, Ms. Silvia Fernández de Gurmendi. The President noted that, since the twenty-first session, the Bureau had held eleven formal meetings in order to assist the Assembly in the discharge of its responsibilities under the Rome Statute.

25. On behalf of the Bureau, the President expressed her satisfaction with the work conducted in 2023 by its working groups in The Hague and New York, and by the facilitators and the *ad country* focal points, as they had successfully carried out the mandates of the Assembly under the leadership of their respective Coordinators, Mr. Robert Rae (Canada) and Ms. Kateřina Sequensová (Czech Republic).

26. The President also emphasized the progress made in 2023 in the assessment and implementation of the recommendations contained in the report of the Independent Experts;⁶ the efforts undertaken throughout the year to enhance elections, including the evaluation of judicial candidates by the Advisory Committee on Nominations, the establishment of a due diligence process for candidates for judges in 2023, the public roundtables with the judicial candidates and the adoption of a permanent due diligence procedure for candidates for elected positions; the consideration of modalities for the recruitment of the Head of the Independent Oversight Mechanism and the Director of the Secretariat of the Assembly; the activities undertaken to commemorate the twenty-fifth anniversary of the adoption of the Rome Statute and the discussions on the strategic vision of the Court for the upcoming ten years; the implementation of the mechanism adopted in 2022 in response to attacks against the Court and its officials throughout 2023; and the implementation of guidelines to enhance the security of those participating in the work of the Assembly.

7. Report on the activities of the Court

27. At its 1st plenary meeting, on 4 December 2023, the Assembly heard statements by Judge Piotr Hofmański, President of the Court, and by Mr. Karim Khan, Prosecutor of the Court. At the same meeting, the Assembly took note of the report on the activities of the International Criminal Court.⁷

⁵ Annex II.

⁶ ICC-ASP/19/16.

⁷ ICC-ASP/22/22.

8. Report of the Board of Directors of the Trust Fund for Victims

28. At its 1st meeting, on 4 December 2023, the Assembly heard a statement by Ms. Minou Josefina Tavárez Mirabal, Chairperson of the Board of Directors of the Trust Fund for Victims. The Assembly considered and took note of the report on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2022 to 30 June 2023.⁸

9. Review of the International Criminal Court and the Rome Statute system

29. At its 1st plenary meeting, on 4 December 2023, the State Party representatives on the Review Mechanism, Ambassador Paul van den IJssel (Netherlands) and Ambassador Michael Imran Kanu (Sierra Leone), presented the report of the Review Mechanism submitted pursuant to ICC-ASP/21/Res.4.⁹

30. The 8th plenary meeting, on 13 December 2023, was dedicated to the Review of the International Criminal Court and the Rome Statute system. The plenary discussion provided an interactive platform for the discussion of the topic “Future of the Review Mechanism.”

31. At its 10th plenary meeting, on 14 December 2023, the Assembly adopted, by consensus, resolution ICC-ASP/22/Res.6 on the Review of the International Criminal Court and the Rome Statute system whereby it decided, inter alia, to extend, for an additional year, the mandate of the Review Mechanism. The Assembly also adopted by consensus resolution ICC-ASP/22/Res.7, by which it decided to implement a tenure policy as of 1 January 2025, decided also to consider further the Court’s proposal on how to implement the tenure policy by that date, and requested the Review Mechanism to facilitate those discussions.

10. Election of six judges

32. At its 2nd meeting, on 4 December 2023, the Assembly, on the recommendation of the Bureau, decided that for the purposes of electing judges of the International Criminal Court, any meeting of the Assembly should continue until as many candidates as were required for all seats to be filled had obtained, in one or more ballots, the highest number of votes and a two-thirds majority of the States Parties present and voting. Consequently, all candidates elected as judges should be considered as having been elected at the same meeting irrespective of whether or not the ballot continued for one or more days.

33. At the same meeting, the Assembly recommended that the candidates should not be present in the conference room when the Assembly was engaged in the process of voting.

34. At its 2nd meeting, held from 4 to 6 December 2023, the Assembly proceeded to elect six judges of the International Criminal Court in accordance with the relevant provisions of the Rome Statute, as well as of resolution ICC-ASP/3/Res.6.¹⁰

35. The following candidates were elected judges of the International Criminal Court:

- (a) Haykel Ben Mahfoudh (Tunisia) (AFR, List B, M);
- (b) Erdenebalsuren Damdin (Mongolia) (APG, List A, M);
- (c) Nicolas Guillou (France) (WEO, List A, M);
- (d) Beti Hohler (Slovenia) (EEG, List A, F);
- (e) Iulia Antoanella Motoc (Romania) (EEG, List B, F); and
- (f) Keebong Paek (Republic of Korea) (APG, List A, M).¹¹

36. The Assembly conducted eleven ballots. In the first round, 123 ballots were cast, of which 9 were invalid and 114 were valid; the number of States Parties voting was 114 and the required two-thirds majority was 76. The following candidate obtained the highest number of votes (81) and a two-thirds majority of the States Parties present and voting: Erdenebalsuren Damdin.

⁸ ICC-ASP/22/14.

⁹ ICC-ASP/22/11.

¹⁰ As amended by resolutions ICC-ASP/5/Res.5, ICC-ASP/12/Res.8, annex II, ICC-ASP/13/Res.5, annex II, ICC-ASP/14/Res.4, annex II, ICC-ASP/18/Res.4, annex I and ICC-ASP/21/Res.2, annex II.

¹¹ WEO = Western European and other States; AFR = African States; ASIA-PACIFIC = Asia-Pacific States; EEG = Eastern European States; GRULAC = Group of Latin American and Caribbean States; M = male; and F = female.

37. In the second round, 123 ballots were cast, of which 6 were invalid and 117 were valid; the number of States Parties voting was 117 and the required two-thirds majority was 78. The following candidate obtained the highest number of votes (78) and a two-thirds majority of the States Parties present and voting: Iulia Antoanella Motoc.

38. In the sixth round, 123 ballots were cast, of which none was invalid and 123 were valid; the number of States Parties voting was 123 and the required two-thirds majority was 82. Nicolas Guillou obtained the highest number of votes (84) and a two-thirds majority of the States Parties present and voting.

39. In the eighth round, 123 ballots were cast, of which none was invalid and 123 were valid; the number of States Parties voting was 123 and the required two-thirds majority was 82. Beti Hohler obtained the highest number of votes (82) and a two-thirds majority of the States Parties present and voting.

40. In the tenth round, 123 ballots were cast, of which none was invalid and 123 were valid; the number of States Parties voting was 122 and the required two-thirds majority was 82. Haykel Ben Mahfoudh obtained the highest number of votes (86) and a two-thirds majority of the States Parties present and voting.

41. In the eleventh round, 123 ballots were cast, of which none was invalid and 123 were valid; the number of States Parties voting was 122 and the required two-thirds majority was 82. The following candidate obtained the highest number of votes (83) and a two-thirds majority of the States Parties present and voting: Keebong Paek.

Commencement of terms of office of judges

42. At its 2nd meeting, the Assembly, on the recommendation of the Bureau, decided that the terms of office of judges of the International Criminal Court elected by the Assembly shall begin to run as from 11 March following the date of their election.

11. Election of members of the Committee on Budget and Finance

43. In a note dated 1 September 2023, the Secretariat informed States that it had received six candidatures and submitted to the Assembly a list of the six candidates nominated by States Parties for election to the Committee on Budget and Finance.¹²

44. At its 1st plenary meeting, on 4 December 2023, in accordance with resolution ICC-ASP/1/Res.5 of 12 September 2003 and the 7 September 2023 recommendation of the Bureau, the Assembly dispensed with a secret ballot and elected the following six members of the Committee on Budget and Finance by acclamation:

- Ms. Sanyu Diana Awori (Kenya)
- Mr. Werner Druml (Austria)
- Mr. Fawzi A. Gharaibeh (Jordan)
- Ms. Mónica Sánchez Izquierdo (Ecuador)
- Ms. Elena Sopková (Slovakia)
- Mr. Jun Yamada (Japan)

45. The Assembly elected the members of the Committee for a three-year term starting on 1 January 2024.

12. Consideration and adoption of the budget for the twenty-second financial year

46. At its 6th meeting, on 8 December 2023, the Assembly heard statements by Mr. Oswaldo Zavala Giler, Registrar of the Court, and Mr. Werner Druml, Chairperson of the Committee on Budget and Finance (“the Committee”).

¹² ICC-ASP/22/6.

47. The Assembly, through its Working Group on the Programme Budget, considered the 2024 proposed programme budget, the reports of the Committee on Budget and Finance and the reports of the External Auditor. The Assembly also considered the reports of the Audit Committee.

48. At its 10th meeting, on 14 December 2023, the Assembly adopted the report of the Working Group on the Programme Budget (ICC-ASP/22/WGPB/1) wherein it, inter alia, conveyed the recommendation of the Working Group that the Assembly endorse the recommendations of the Committee at its forty-second session with the additional adjustments reflected in resolution ICC-ASP/22/Res.4.

49. At the same meeting, the Assembly also considered and approved, by consensus, the programme budget for 2024.

50. At the same meeting, the Assembly adopted, by consensus, resolution ICC-ASP/22/Res.4 concerning the programme budget in relation to the following:

- (a) Programme budget for 2024, including appropriations totalling €187,084,300 thousand and staffing tables for each of the major programmes. This amount is reduced by the instalments for the host State loan;
- (b) Working Capital Fund for 2024;
- (c) Outstanding contributions;
- (d) Contingency Fund;
- (e) Scale of assessment for the apportionment of expenses of the Court;
- (f) Financing of appropriations for 2024;
- (g) Premises of the Court;
- (h) Transfer of funds between major programmes under the 2023 approved programme budget;
- (i) Audit;
- (j) Budget Management Oversight;
- (k) Development of budget proposals;
- (l) A strategic approach to an improved budgetary process;
- (m) Human Resources;
- (n) Referrals by the Security Council;
- (o) Information Technology and Information Management Strategy;
- (p) Family visits for indigent detainees; and
- (q) Travel.

13. Consideration of the audit reports

51. The Assembly heard a statement from Mr. Werner Druml, member of the Audit Committee, on behalf of the Chair of the Audit Committee, Mr. Fayezul Choudhury. The Assembly also heard a statement from the External Auditor. The Assembly took note with appreciation of the reports of the External Auditor on the audit of the financial statements of the Court for the period 1 January to 31 December 2022¹³ and of the Trust Fund for Victims for the same period.¹⁴

14. Cooperation

52. At its 6th plenary meeting, on 8 December 2023, the Assembly considered the topic of cooperation with the Court, in a plenary panel discussion on “Reflections on 25 years of cooperation”.

53. As its 10th plenary meeting, on 14 December 2023, the Assembly adopted, by consensus, resolution ICC-ASP/22/Res.5 on cooperation.

¹³ *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part C.1.

¹⁴ *Ibid.*, part C.2.

15. Amendments to the Rome Statute and the Rules of Procedure and Evidence

54. At its 7th plenary meeting, on 12 December 2023, the Assembly took note of the report of the Working Group on Amendments.¹⁵

55. At its 9th plenary meeting, on 13 December 2023, by resolution ICC-ASP/22/Res.1, the Assembly adopted amendments to the Rules of Procedure and Evidence, that is, rule 69 *bis* and rule 140 *ter*, titled, respectively “Judicial notice of adjudicated facts in final judgments” and “Continuation of trial proceedings in the permanent absence of a judge”. At the same meeting, the Assembly also adopted resolution ICC-ASP/22/Res.2, by which it amended article 39, paragraph 2 (b), of the Rome Statute. Pursuant to article 122, paragraph 2, of the Rome Statute, the amendment to article 39, paragraph 2(b), of the Rome Statute shall enter into force for all States Parties six months after their adoption by the Assembly, that is, on 13 June 2024.

16. Twenty-fifth anniversary of the adoption of the Rome Statute

56. At its twenty-second session, the Assembly took note of the activities which had been undertaken in 2023 to commemorate the twenty-fifth anniversary of the adoption of the Rome Statute.¹⁶ In particular, the Assembly welcomed the exhibition “Common Bonds: From the Rome Conference to today”, that launched the commemorative process in July 2023 in The Hague, as well as the ministerial roundtable and panel discussion on “Strategic vision for the next decade: how to ensure consistent and sustainable support for the ICC”, held at United Nations Headquarters in New York on 17 July 2023, followed by a symposium on the same theme at the Siracusa International Institute for Criminal Justice and Human Rights on 12 and 13 October 2023 in Siracusa, Italy.

17. Decision concerning the dates and venues of the next sessions of the Assembly of States Parties

57. At its 10th meeting, on 14 December 2023, the Assembly decided to hold its twenty-third session in The Hague from 2 to 7 December 2024, and to also hold its twenty-fourth session in The Hague.

18. Decisions concerning the dates and venue of the next sessions of the Committee on Budget and Finance

58. At its 10th plenary meeting, on 14 December 2023, the Assembly decided that the Committee on Budget and Finance would hold its forty-third session virtually, on 29 January 2024, to elect the Chair and Vice-Chair and to discuss other matters; and its forty-fourth and forty-fifth sessions from 15 to 19 April and from 2 to 13 September 2024, respectively, in The Hague.

19. Other matters

a) *Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly*

59. The Assembly noted with satisfaction that two delegations had made use of the Trust Fund to attend the twenty-second session of the Assembly.

b) *Decision concerning the composition of the Committee on Budget and Finance*

60. At its 10th meeting, on 14 December 2023, the Assembly adopted resolution ICC-ASP/22/Res.8 by which it decided, inter alia, to increase the total number of seats on the Committee on Budget and Finance to seventeen seats, which would be distributed among the regional groups as follows: African States, four seats; Asia-Pacific States, three seats; Eastern European States, three seats; Group of Latin American and Caribbean States, three seats; and Western European and other States, four seats. The Assembly also took a decision on term limits for Committee members.

¹⁵ ICC-ASP/22/29.

¹⁶ <https://asp.icc-cpi.int/asp-events/25a-Adoption-RS>.

Part II

External audit, programme budget for 2024 and related documents

A. Introduction

1. The Assembly of States Parties (“the Assembly”) had before it the 2024 proposed programme budget submitted by the Registrar of the International Criminal Court (“the Court”) on 31 July 2023,¹ the reports of the fortieth,² forty-first³ and forty-second⁴ sessions of the Committee on Budget and Finance (“the Committee”), the reports of the Audit Committee on its seventeenth and eighteenth sessions,⁵ the financial statements of the Court for the period 1 January to 31 December 2022,⁶ and the financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2022.⁷ In addition, the Assembly had before it annex V of the report of the Committee on the work of its forty-second session, in which the Court outlined the budgetary implications of the Committee’s recommendations on the budgets of the major programmes.
2. The Assembly was provided with statements by the Registrar of the Court, Mr. Oswaldo Zavala Giler, the Chair of the Committee, Mr. Werner Druml, the Chair of the Audit Committee, Mr. Fayezul Choudhury, and the representative of the External Auditor, the Board of Audit and Inspection (Republic of Korea), Mr. Yang Chan Cho.
3. The Working Group on the Programme Budget met on 8 and 14 December 2023. During the meetings, the draft resolution was considered and finalized.

B. External audit

4. The Assembly noted with appreciation the reports of the External Auditor and the related comments of the Committee contained in the report on the work of its forty-second session.

C. Amount of appropriation

5. The Court’s 2024 proposed programme budget amounted to €200,412.1 thousand, including €3,585.1 thousand for Major Programme VII-2 (Host State Loan).
6. The Committee considered the Court’s 2024 proposed programme budget at its forty-second session and concluded that there were a number of areas where savings could be made. Accordingly, the Committee recommended that the budget allocation be reduced to a total of €188,386.1 thousand, including €3,585.1 thousand for Major Programme VII-2 (Host State Loan).
7. The Assembly endorsed the recommendations contained in the report of the Committee, with the additional adjustments as reflected in resolution ICC-ASP/22/Res.4. The Assembly therefore approved a budget appropriation for 2024 of €187,084.3 thousand.
8. The Assembly noted that without Major Programme VII-2 (Host State Loan), the total level of assessed contributions for the 2024 programme budget amounted to €183,499.2 thousand.

¹ *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part A.

² *Ibid.*, part B.1.

³ *Ibid.*, part B.2.

⁴ *Ibid.*, part B.3.

⁵ Available on the website of the Assembly at http://asp.icc-cpi.int/en_menus/asp/AuditCommittee/.

⁶ *Ibid.*, part C.1.

⁷ *Ibid.*, part C.2.

D. Contingency Fund

9. The Assembly decided to maintain the notional level of the Contingency Fund at €7.0 million. The Assembly also decided that the anticipated cash surplus from 2022⁸ shall exceptionally be used to replenish the Contingency Fund.

10. The Assembly authorized the Court to transfer funds between major programmes at year end if the costs of unforeseen activities could not be absorbed within one major programme while a surplus existed in other major programmes, to ensure that all appropriations for 2023 were exhausted before accessing the Contingency Fund.

E. Working Capital Fund

11. The Assembly, recalling its decision that the Working Capital Fund for each year shall be established in the amount of one-twelfth of the approved budget appropriations for the previous year,⁹ decided that the Working Capital Fund for 2024 shall be established in the amount of €14.4 million. The Assembly also decided that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

F. Financing of appropriations for 2024

12. The Assembly resolved that, for 2024, the total assessed contributions amounted to €187,084.3 thousand.

⁸ Approximately €3.6 million, subject to final audit.

⁹ ICC-ASP/21/Res.1, section B, para 3.

Part III

Resolutions adopted by the Assembly of States Parties

A. Resolutions adopted by the Assembly of States Parties

Resolution ICC-ASP/22/Res.1

Adopted at the 9th plenary meeting, on 13 December 2023, by consensus

ICC-ASP/22/Res.1

Resolution on amendments to the Rules of Procedure and Evidence of the International Criminal Court

The Assembly of States Parties,

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

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

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

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

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

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

1. *Decides* that the following rule 69 *bis* be inserted after rule 69 of the Rules of Procedure and Evidence:

“Rule 69 *bis*

Judicial notice of adjudicated facts in final judgments

1. At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties and the participants, may decide to take judicial notice of adjudicated facts or of the authenticity of documentary evidence from other proceedings of the Court relating to matters at issue in the current proceedings to the extent that they do not relate to the acts, conduct or mental state of the accused as charged and provided that such notice would not be prejudicial to or inconsistent with the rights of the accused.

2. Judicial notice in accordance with sub-rule 1 may be taken only where a fact or the authenticity of documentary evidence has been finally determined by the Appeals Chamber or by a Trial Chamber where there has been no appeal or the finding has not been challenged on appeal.

3. When taking notice of adjudicated facts, a Trial Chamber shall consider whether the fact is, *inter alia*:

- (a) relevant to an issue in the proceedings;
- (b) distinct, concrete, and identifiable;
- (c) identified with adequate precision by the requesting party;
- (d) taken as formulated by the requesting party and not differing in any substantial

¹ ICC-ASP/22/29.

² ICC-ASP/22/7.

- way from the formulation of the original judgment;
- (e) not be unclear or misleading in the context in which it is placed in the requesting party's motion;
 - (f) does not contain characterizations of an essentially legal nature; and
 - (g) not based on an agreement between the parties to the other proceedings.

4. Where the Trial Chamber has decided to take judicial notice in accordance with sub-rule 1, a party may challenge the fact or authenticity of the documentary evidence by referring to existing contradicting evidence or by introducing evidence to the contrary. In such case, the Trial Chamber may authorize the submission of evidence supporting the adjudicated fact or the authenticity of the documentary evidence.

5. Where the Trial Chamber has decided to take judicial notice in accordance with sub-rule 1, the Trial Chamber shall assess such judicially noticed adjudicated fact or documentary evidence to determine what conclusions, if any, can be drawn when considering it together with all the evidence before it."

2. *Further decides* that the following rule 140 *ter* be inserted after rule 140 *bis* of the Rules of Procedure and Evidence:

"Rule 140 *ter*

Continuation of trial proceedings in the permanent absence of a judge

1. If a judge assigned to a Trial Chamber, for reasons enumerated in rule 38, sub-rule 1, is unable to complete any trial which has already commenced the hearing of evidence, and no alternate judge has been assigned, the remaining judges of the Trial Chamber will report to the Presidency as to the need for a replacement judge and may order either a rehearing or the continuation of the hearing from that point. The continuation of the hearing can only be ordered with the consent of all the accused, except as provided for in sub-rule 2 below.

2. If, in the circumstances mentioned in sub-rule 1, an accused does not consent, the remaining judges of the Trial Chamber may nonetheless decide whether or not to continue the hearing before that Trial Chamber with a replacement judge if, taking all the circumstances into account, they determine unanimously that doing so would serve the interests of justice.

3. This decision is subject to appeal pursuant to article 82, paragraph 1 (d). If the decision to continue the hearing with a replacement judge does not result in an appeal, or the Appeals Chamber confirms the decision, the Presidency shall assign to the existing bench a replacement judge, who, however, can join the bench only after he or she has certified that he or she has familiarized himself or herself with the record of the proceedings. Such certification process shall be considered to satisfy the requirement of presence at all stages of the trial in article 74, paragraph 1. Only one replacement under this rule may be made.

4. Apart from the procedures established in this rule, the trial shall otherwise be suspended until this certification is filed. Once the certification in sub-rule 3 has occurred, the replacement judge shall participate fully in all aspects of the trial, including deliberations in accordance with rule 142.

5. If, in a trial where the Presidency has assigned an alternate judge in accordance with article 74, paragraph 1 and rule 39, a judge is unable to continue sitting, the trial shall continue with the alternate judge replacing the judge who is unable to continue sitting."

Resolution ICC-ASP/22/Res.2

Adopted at the 9th plenary meeting, on 13 December 2023, by consensus

ICC-ASP/22/Res.2 Amendment to article 39 of the Rome Statute

The Assembly of States Parties,

Noting article 121, paragraphs 1 and 2, of the Rome Statute of the International Criminal Court which permit the Assembly of States Parties to adopt any proposed amendment to the Rome Statute after the expiry of seven years from the entry into force of the Statute,

Noting also article 122, paragraph 1, of the Statute which states that amendments to provisions of this Statute which are of an exclusively institutional nature may be proposed at any time, notwithstanding article 121, paragraph 1, by any State Party,

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

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

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

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

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

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

1. *Decides* to adopt the following amendment to article 39(2)(b) of the Rome Statute of the International Criminal Court.

Insert in article 39(2)(b) the following chapeau:

Article 39 Chambers

2 (b) “Without prejudice to the replacement of a judge, as provided for in the Rules of Procedure and Evidence,”

¹ ICC-ASP/22/29.

² ICC-ASP/22/7.

Resolution ICC-ASP/22/Res.3

Adopted at the 9th plenary meeting, on 13 December 2023, by consensus

ICC-ASP/22/Res.3

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 and the duty to end the most serious crimes of concern to the international community to put an end to the impunity of the perpetrators of such crimes is now widely acknowledged,

Recognizing that the crime of genocide, crimes against humanity, war crimes and the crime of aggression threaten the peace, security and well-being of the world, and *affirming* that these crimes must not go unpunished,

Convinced that the International Criminal Court (“the Court”) is an essential means of ending impunity for such crimes and preventing their recurrence, 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,

Welcoming that the international community has agreed to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels and, in this regard, *encouraging* societies facing conflicts to move from war to peace through peaceful solutions,

Convinced 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,

Recalling the primary responsibility of national jurisdictions to investigate and prosecute the most serious crimes of international concern and the increased need for cooperation in ensuring that national legal systems are capable of investigating and 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,

Welcoming also in this regard relevant contributions from the Court relating to sexual and gender-based crimes, such as the Office of the Prosecutor’s Policy Paper on Sexual and Gender-Based Crimes, as well as contributions from States Parties and other relevant actors,

including initiatives for advancing the knowledge and understanding of such crimes, and *convinced* that these initiatives should be an integral part of strategic dialogues and actions to strengthen the Court and national courts in the fight against impunity, while fully respecting their judicial independence,

Recalling that the application of articles 17, 18 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 and, in consequence, that these are values protected by the Rome Statute,

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

Recalling 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,

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

Acknowledging relevant decisions of the Court that have recognized that contributions to the promotion of peace and reconciliation may be a relevant consideration in sentencing decisions, on a case by case basis,

Recalling 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,

Reaffirming the importance of States Parties' cooperation with the Court to the fulfilment of its mandate, and *gravely concerned* by the repeated attempts at intimidation to deter cooperation with the Court and its officials,

Gravely concerned by the recent reports of attacks, threats and intimidation directed at some civil society organizations and those cooperating with the Court,

Welcoming the efforts undertaken by the Bureau and its working groups to identify ways to strengthen the International Criminal Court and the Rome Statute system through concrete, actionable recommendations aimed at enhancing the performance, efficiency and effectiveness of 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, *emphasizing* the essential role of the Trust Fund for Victims to help make the Court's justice a reality for victims,

Emphasizing the importance for the Court to conduct its work in both its working languages, as well as in other official languages, if authorized according to Rule 41 of the Rules of Procedure and Evidence which can contribute to ensuring victims' right to justice,

Mindful of the recommendations of the Group of Independent Experts related to legal aid and noting that the assessment process of these recommendations, are still ongoing,

Noting that it is the responsibility of the Court to present proposals to the Assembly for reform of the legal policy and calling on the Court to continuously consult with States Parties and other relevant stakeholders using existing structures in the course of drawing up these proposals;

Recalling the commitment of the Court and its States Parties to ensuring equality of arms in proceedings before the Court,

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, and *noting with appreciation* the work carried out by country offices,

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

1. *Reconfirms* its unwavering support for the Court as an independent and impartial judicial institution, *reiterates* its commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats or measures against the Court, its officials and those cooperating with it, and *renews* its resolve to stand united against impunity;
2. *Reaffirms* its support for the consistent implementation of the Court's mandate across the situations and cases under its jurisdiction in the interests of justice and the victims' right of access to justice, and *stresses* the need for sustainable resources for all situations and cases as well as cooperation with the Court to that end;

A. Universality of the Rome Statute

3. *Welcomes* the State that has ratified the Rome Statute of the International Criminal Court since the twenty-first session, *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, all international and regional organizations, and civil society to intensify their efforts to promote the universality and full implementation of the Rome Statute;

4. *Invites* all States Parties not yet parties to the Agreement on the Privileges and Immunities of the International Criminal Court, to become parties to this Agreement;

5. *Notes with deep regret* the notification of withdrawal from the Rome Statute 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;¹

6. *Welcomes with appreciation* 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;

¹ Depository Notification C.N.138.2018.TREATIES-XVIII.10, see at: <https://treaties.un.org/doc/Publication/CN/2018/CN.138.2018-Eng.pdf>.

7. *Welcomes* the initiatives undertaken to celebrate 17 July as the Day of International Criminal Justice² 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 Assembly³ and otherwise;

8. *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));⁴

9. *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;

10. *Welcomes* the report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute⁵ 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 the Privileges and Immunities of the International Criminal Court, as well as relevant efforts undertaken in the framework of the Universal Periodic Review of the Human Rights Council;

11. *Recalls* rule 42 of the Rules of Procedure of the Assembly of States Parties, and *underscores* the importance of promoting the universality of the Rome Statute and of strengthening the openness and transparency of the Assembly;

12. *Welcomes* the commemorative process to mark the twenty-fifth anniversary of the adoption of the Rome Statute undertaken by the Presidency of the Assembly of States Parties, with the support of the Court, States and civil society, which emphasized the historic significance and universal relevance of the Rome Statute;⁶ *underscores* its fundamental importance to address the harm suffered by victims and affected communities; and promoted an in-depth reflection on its future, pursuant to a recommendation of the Independent Expert Review;

13. *Also welcomes* the exhibition "Common Bonds: From the Rome Conference to today", that launched the commemorative process in July 2023 in The Hague as well as the ministerial roundtable and panel discussions on "Strategic vision for the next decade: how to ensure consistent and sustainable support for the ICC" held at the United Nations Headquarters in New York on 17 July 2023, followed by a symposium on the same theme at the Siracusa International Institute for Criminal Justice and Human Rights on 12 and 13 October 2023 in Siracusa, Italy;

14. *Takes note* of the outcome of the discussions, including, in particular, the "Siracusa Declaration on ensuring consistent and sustainable support for the International Criminal Court" drafted at the Siracusa symposium, as well as the "Ethical Principles for International Criminal Judges" on guidance to international judges on ethics;

15. *Thanks* all States, organizations and academic institutions that took initiatives throughout the year to mark the historic adoption of the Rome Statute on 17 July 1998;

² *Official Records... Review Conference...* 2010 (RC/11), part II.B, Kampala declaration (RC/Decl.1), para 12.

³ See at: <https://asp.icc-cpi.int/asp-events/ICJD/default>.

⁴ ICC-ASP/5/Res.3, annex I.

⁵ ICC-ASP/21/21.

⁶ See at: <https://asp.icc-cpi.int/asp-events/25a-Adoption-RS>.

B. Agreement on Privileges and Immunities

16. *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;

17. *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 Privileges and Immunities 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

18. *Refers* to its resolution ICC-ASP/22/Res.5 on cooperation;

19. *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;

20. *Reaffirms* the importance of supporting all those cooperating with the Court, including States and relevant international bodies and entities, in order to secure the ability of the Court to fulfil its critical mandate of holding accountable perpetrators of the most serious crimes of concern to the international community and delivering justice to victims;

21. *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;

22. *Urges* States Parties, in the face of the recent coercive measures taken against the elected officials of the Court, to give full effect to the relevant provisions of the Rome Statute⁷ and, as appropriate, the Agreement on the Privileges and Immunities of the International Criminal Court⁸ concerning the privileges and immunities of elected officials, staff of the Court, counsel and persons assisting defence counsel, including their immunity which shall continue to be accorded after the expiry of their terms of office, termination of their employment with the Court or cessation of their functions, and to take any action if deemed necessary by the security or other assessment made by a State Party, in accordance with the existing legal framework, to ensure their security, safety and protection against any undue hindrance created by such coercive measures;

23. *Welcomes* the Court's report and comprehensive presentation on cooperation,⁹ which contain disaggregated data over the responses provided by States Parties, including highlighting the main challenges;

24. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants;

⁷ Article 48, paragraphs 2 and 3, of the Rome Statute of the International Criminal Court.

⁸ Article 15, paragraph 1, article 16, paragraph 1 (b) and article 18, paragraph 1 (b), of the Agreement on the Privileges and Immunities of the International Criminal Court.

⁹ ICC-ASP/22/24.

25. *Recalls* that international cooperation and judicial assistance are governed by Part 9¹⁰ of the Rome Statute;
26. *Underlines* the necessity to continue the discussions between the co-facilitators on cooperation and the focal points on non-cooperation and the Court;
27. *Welcomes* the plenary session on cooperation held during the twenty-second session of the Assembly of States Parties which offered an opportunity for a reflection by States Parties, the Court and members of civil society on 25 years of cooperation, as well as a more technical discussion regarding the issue of arrests;
28. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitating cooperation between the Court, States Parties, other States and international organizations;
29. *Recalls* the importance of the non-legally binding Declaration of Paris on asset recovery annexed to resolution ICC-ASP/16/Res.2;
30. *Also recalls* the existence of the secured digital platform for States Parties to exchange relevant information on cooperation and financial investigations and assets recovery;
31. *Further recalls* the recommendations on cooperation contained in the 30 September 2020 Independent Experts' Report;¹¹
32. *Recalls* the Procedures relating to non-cooperation adopted by the Assembly in ICC-ASP/10/Res.5 and revised by the Assembly in resolution ICC-ASP/17/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, and *takes note* of the past decisions of the Court on non-cooperation;
33. *Also recalls* the Toolkit for the implementation of the informal dimension of the Assembly procedures relating to non-cooperation,¹² which was revised as annex III to ICC-ASP/17/31 and *encourages* States Parties to make use of it as they see fit in order to improve the implementation of the Assembly procedures relating to non-cooperation;
34. *Takes note* of the report of the Bureau on non-cooperation,¹³ *welcomes* the efforts of the President of the Assembly in implementing the Assembly procedures relating to non-cooperation and *recalls* that the President serves *ex officio* as focal point for his or her region,¹⁴ *calls upon* all stakeholders, at all levels, to continue assisting the President of the Assembly, including when accomplishing his or her task with the support of the regional focal points for non-cooperation;
35. *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, and *welcomes* the efforts of States Parties to strengthen the relationship between the Court and the Council;
36. *Welcomes* the Arria-formula meeting of the Security Council on the twenty-fifth anniversary of the Rome Statute and the contribution of the Court to the maintenance of international peace and security, held on 18 July 2023;
37. *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;

¹⁰ Articles 86 to 102.

¹¹ Independent Expert Review of the International Criminal Court and the Rome Statute System, Final Report - 30 September 2020 (ICC-ASP/19/16).

¹² ICC-ASP/15/31, Add.1, annex II.

¹³ ICC-ASP/22/35.

¹⁴ ICC-ASP/11/29, para. 12.

38. *Encourages* the authorities in Sudan to effectively cooperate with the Court in accordance with Security Council resolution 1593 (2005), while *expressing continued concern* about the military conflict that erupted in Sudan on 15 April 2023;

39. *Noting* the past orders of the Pre-Trial Chamber to the Registrar concerning action to be taken in case of information relating to travel of suspects, *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

40. *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* the on-going commitment of the host State to the Court with a view to its more efficient functioning;

E. Relationship with the United Nations

41. *Recognizes* the need for enhancing the institutional dialogue with the United Nations, including on Security Council referrals and on questions considered by the Security Council and other situations involving the maintenance of international peace and security which are subject to the jurisdiction of the Court;

42. *Welcomes* the twice-yearly reports of the Prosecutor on the situations referred by the United Nations Security Council pursuant to resolutions 1593 (2005) and 1970 (2011), and *noting* the Prosecutor's repeated requests for effective Security Council follow-up, *recognizes* the efforts of some members of the Security Council in this regard, reiterates its deep concern by the on-going lack of effective follow-up despite these efforts, and *urges* all members of the Security Council to support future such requests;

43. *Recognizes* that ratification or accession to the Rome Statute by members of the United Nations Security Council enhances joint efforts to combat impunity for the most serious crimes of concern to the international community as a whole;

44. *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 on-going political support;

(b) enabling financial support by the United Nations for expenses incurred by the Court due to referrals of the Council;

(c) 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 engagement between Sanctions Committees and the Court with a view to improving their cooperation and achieving better coordination on matters pertaining to areas of mutual concern;

(d) 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;

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

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

45. *Recalls* the report of the Court on the status of on-going cooperation with the United Nations, including in the field;¹⁵

¹⁵ ICC-ASP/12/42.

46. *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;

47. *Recalls* article 4 of the Relationship Agreement between the Court and the United Nations, and *stresses* the continuing need to ensure the ability of the Court to fully exercise its capacity of Observer to the United Nations and its ability to interact and engage in dialogue with the United Nations, including through its attendance and participation as Observer in the activities of the United Nations General Assembly, and through the Court's officials' regular visits to the United Nations to provide briefings and updates on its activities;

48. *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;

49. *Calls upon* Bureau members and other States Parties to continue providing States Parties with information about their efforts 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, as well as in any other international or regional fora to promote the fight against impunity;

50. *Welcomes* the presentation of the annual report of the Court to the General Assembly of the United Nations¹⁶ and in particular its focus on the relationship between the Court and the United Nations, *also welcomes* the annual adoption of the resolution concerning the Court by the General Assembly, *encourages* States Parties to support the resolution and *further encourages* them to continue their constructive engagement with United Nations Member States to further strengthen this resolution;

51. *Notes with concern* that, to date, expenses incurred by the Court due to referrals by the Security Council continue to be borne exclusively by States Parties and *notes* that, to date, the approved budget allocated so far within the Court in relation to the referrals made by the Security Council amounts to approximately €89.7 million;

52. *Stresses* that, if the United Nations is unable to provide funds for the Court to cover the expenses incurred due to referrals by the Security Council, this will, among other factors, continue to exacerbate resource pressure on the Court;

53. *Urges* States Parties to pursue, within the General Assembly of the United Nations, 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 Court by a decision of the General Assembly shall be subject to separate arrangements;

54. *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

55. *Welcomes* the efforts undertaken by various regional and other international organizations to support the Court in the fulfilment of its mandate, as well as efforts of the Court to engage with various regional bodies and entities;

56. *Recalls* the memoranda of understanding and agreements on cooperation concluded by the Court with regional and other international organizations including those concluded with the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) in 2022 and the European Union Agency for Law Enforcement Cooperation (EUROPOL) in 2023;

57. *Emphasizes* ongoing efforts aimed at intensifying dialogue with the African Union and to strengthen the relationship between the Court and the African Union and *welcomes* 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

¹⁶ United Nations document A/78/322.

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;

58. *Encourages* the Court to continue efforts to enable a frank and constructive dialogue between the Court and the African States Parties to the Rome Statute as a key measure to strengthen relations between the Court and its African partners and address challenges within the context of this relationship;

59. *Recommends* that the Court studies the desirability and feasibility of establishing other regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute, as well as to raise awareness for balanced representation of nationals of States Parties from all regions, and asks the Registrar to report to the Bureau on this question, in the first quarter of 2024, including its budgetary implications, and ways to maximize the use of existing resources drawing upon experiences and lessons learned, including with regard to other relevant external presences;

60. *Welcomes* the efforts to further the presence of the Court at meetings of regional organizations;

61. *Recalls* the obligation of the High Contracting Parties to undertake to respect and ensure respect for the Geneva Conventions and *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

62. *Takes note* of the latest report on the activities of the Court to the Assembly;¹⁷

63. *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 Council¹⁸ referred to the Court or which the Prosecutor initiated *proprio motu*;

64. *Recalls* its invitation to the Court to continue to take note of best practices of other relevant international and national organizations, tribunals and mechanisms, 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;

65. *Encourages* the Court to take note of the best practices of relevant international and national organizations, tribunals, and mechanisms related to sexual and gender-based crimes, including practices related to investigation, prosecution and training, in solving challenges related to crimes under the Rome Statute, including sexual and gender-based crimes, while reiterating its respect for the independence of the Court;

66. *Recognizes* the importance of achieving accountability for all Rome Statute crimes while recalling that there is no hierarchy between them, and *encourages* the Bureau to engage with interested States Parties and other relevant actors to identify ways to support the Court's efforts in this regard with respect to sexual and gender-based crimes that amount to Rome Statute crimes, with a view to reporting thereon to the twenty-third session of the Assembly;

67. *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;

68. *Welcomes* the adoption of the Office of the Prosecutor's Policy Papers on Gender Persecution, on Gender-based Crimes, and on Children and *notes* the continuous review by the Prosecutor of the various policy papers of the Office, with a view to consolidating and enhancing them where necessary;

¹⁷ ICC-ASP/22/22.

¹⁸ United Nations Security Council resolutions 1593 (2005) and 1970 (2011).

69. *Also welcomes* the continued implementation by the Office of the Prosecutor of its Policy Papers on Case Selection and Prioritization, on Children, on Gender-Based Crimes, and on Gender Persecution and, in this regard, *stresses* the importance of the effective investigation and prosecution of sexual and gender-based crimes and crimes against children by the Court and by national courts, in order to end impunity for perpetrators of such crimes, and *calls upon* States Parties to consider the Policy Papers to strengthen the investigation and prosecution of these crimes domestically;

70. *Expresses its appreciation* to the Office of the Prosecutor for consulting with States Parties and other stakeholders before the issuance of its policies and strategies and *welcomes* the contributions made by States Parties in this regard;

71. *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;

72. *Notes* the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims for the period 2023-2025 and *also notes* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims;

73. *Notes with appreciation* the continued efforts undertaken by the Registrar 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 and activities in close cooperation with the United Nations, as appropriate, in order to ensure the Court's continued relevance and impact in States in which it carries out its work;

74. *Welcomes* the on-going efforts undertaken by the Court to improve its use of alternative sources of information and evidence as well as its capacities to this end, including in the field of financial investigations, *encourages* the Court to continue these efforts and *notes* the importance of providing the Court with the appropriate means for this purpose;

75. *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;

76. *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 Outreach¹⁹ in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage;

77. *Recalls* that the issues of public information and communication about the Court, the Trust Fund for Victims and their 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;

H. Elections

78. *Welcomes* the report of the Advisory Committee on Nominations of Judges on the work of its ninth session;²⁰

79. *Stresses* the importance of nominating and electing as judges qualified, competent and experienced persons of the highest quality and of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices, in accordance with article 36 of the Rome Statute, as well as the importance of elected judges who have made their solemn undertaking being available to

¹⁹ ICC-ASP/5/12.

²⁰ ICC-ASP/22/4.

take up their full-time service when the Court’s workload so requires, and for this purpose, encourages States Parties to conduct thorough and transparent processes to identify the best candidates;

80. *Recalls* paragraph 6 of resolution ICC-ASP/18/Res.4 encouraging States Parties to submit information and commentary on their own existing or prospective nomination and selection procedures to the Secretariat of the Assembly;

81. *Recalls* its decision²¹ to task the Bureau with the development of a vetting process for all elected officials of the Court, *welcomes* the report of the Bureau on the establishment of a permanent due diligence process for elected officials,²² *adopts* the due diligence procedure for elected officials of the International Criminal Court (“due diligence procedure”) contained in annex II to this resolution, *requests* the Bureau to consider any amendments to other mandates and procedures which may be necessary to implement the due diligence procedure in the future, and *emphasizes* that the due diligence procedure will need to be taken into account in any future decisions on the process for the election of the Judges, Prosecutor, Deputy Prosecutor(s), Registrar and Deputy Registrar;

I. Secretariat of the Assembly of States Parties

82. *Recognizes* the important work done by the Secretariat of the Assembly (“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;

83. *Recalls* the general oversight function of the Bureau over the Secretariat, as contained in the resolution establishing the Secretariat;²³

84. *Also recalls* the report of the Bureau on the assessment of the Secretariat and the recommendations contained therein;²⁴

J. Counsel

85. *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;

86. *Takes note* of the report on the constitution and activities of the International Criminal Court Bar Association;²⁵

87. *Invites* the International Criminal Court Bar Association to report to the Assembly, through the Bureau, on its activities in advance of the twenty-third session;

88. *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, sub-rule 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

89. *Adopts*, effective 1 January 2024, the “Legal Aid Policy of the International Criminal Court” (ICC-ASP/22/9), thereby superseding the Registry’s single policy document on the

²¹ ICC-ASP/21/Res.2, para. 83.

²² ICC-ASP/22/36.

²³ ICC-ASP/2/Res.3, annex, para. 10.

²⁴ ICC-ASP/17/39.

²⁵ ICC-ASP/22/23.

Court's legal aid system (ICC-ASP/12/3) and any interim measures taken by the Court in accordance with ICC-ASP/21/Res. 2, paragraph 92;

90. *Requests* the Court to make the amendments to the Court's legal framework necessary to ensure the effective implementation of the new Legal Aid Policy of the International Criminal Court;

91. *Stresses* the need for continuous monitoring and scrutiny of the legal aid system and, to this end, *requests* the Court to report on the application of the new Legal Aid Policy of the International Criminal Court by 31 August 2024, in consultation with members of defence and victims' teams, in order to facilitate the Assembly's review and consideration of the Legal Aid Policy at the twenty-third session of the Assembly;

92. *Requests* the Bureau to address the question of whether the existing legal framework (comprising, inter alia, the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court) provides a legal basis for tax exemptions to be granted to defence and victims' counsel and persons assisting counsel, who are subject to the Legal Aid Policy of the International Criminal Court, with a view to achieving a common understanding among the States Parties, and to *report* on the matter, with recommendations or options, in advance of the twenty-third session of the Assembly;

93. *Requests* the Court to continue to ensure appropriate representation of counsel in the Advisory Committee on Legal Texts;

94. *Also requests* the Court to continue its review of the current framework and operation of the functions regarding financial investigations of suspects and accused persons across all organs in order to make proposals to the Assembly through its relevant facilitations (legal aid and cooperation) with a view to strengthening the Registry's capacity to trace, freeze and seize assets of the accused in the context of legal aid requests, while paying due respect to the rights of the accused and to ensure increased efficiency of that global framework;

95. *Requests* the Bureau to continue its work on legal aid and to report to the Assembly at its twenty-third session;

L. Study Group on Governance

96. *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;

97. *Takes note* of the Bureau's report on the Study Group on Governance;²⁶

98. *Extends* for another year the mandate of the Study Group;²⁷

99. *Takes note* of the final report of the Independent Expert Review, dated 30 September 2020, the Comprehensive Action Plan, adopted by the Bureau on 28 July 2021 and the Matrix on progress in the assessment of the IER recommendations of the Review Mechanism, dated 28 July 2023 and *notes* that the Study Group will continue to consider the implementation of recommendations allocated to it as the Platform for discussion;

M. Proceedings of the Court

100. *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 and the promotion of the universality of the Rome Statute, as well as the best possible use of the Court's resources;

101. *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,

²⁶ ICC-ASP/22/7.

²⁷ Established 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, ICC-ASP/13/Res.5, ICC-ASP/14/Res.4, ICC-ASP/15/Res.5, ICC-ASP/16/Res.6, ICC-ASP/17/Res.5, ICC-ASP/18/Res.6, ICC-ASP/19/Res.6, ICC-ASP/20/Res.5 and ICC-ASP/21/Res.2.

and *emphasizes* the importance of continued dialogue on this matter, as well as the shared responsibility of the Court and States Parties in this regard;

N. Working methods review

102. *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;

103. *Welcomes* the steps already undertaken by the Bureau for the improvement of the working methods and governance of the Bureau and the Assembly, *decides* to continue these efforts, and to that effect:

(a) *stresses* the need for the full implementation of the revised general roadmap for facilitations contained in annex II of resolution ICC-ASP/15/Res.5;

(b) *calls on* facilitations of the Bureau to begin their work during the intersessional period as early as possible during the first half of the year, as appropriate;

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

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

(e) *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;

(f) *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; and

(g) *also encourages* States Parties to deliver statements no longer than five minutes and to submit written statements instead of oral ones;

104. *Recognizes* the importance of the work carried out by the facilitators and the focal points;

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

106. *Reiterates* that the Bureau shall have a representative character in its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, and *requests* the Bureau to remain seized of the matter;

107. *Welcomes* the report of the Bureau on the scheduling of Assembly sessions and the recommendations therein,²⁸ and *decides* to revert to the question at an appropriate time, preferably ahead of the twenty-fifth session of the Assembly;

108. *Decides* to hold the Assembly sessions alternately two years at the seat of the Court and one year at the Headquarters of the United Nations, when elections are held, as a rule with a length of up to six days, preferably over one calendar week, unless judicial or prosecutorial elections are scheduled, and *stresses* the need for effective, efficient, concise and productive Assembly sessions, with broadest participation of States Parties and effective use of resources, as well as the need for avoiding duplication with a division of labour between New York and The Hague;

O. Victims and affected communities, reparations and Trust Fund for Victims

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

²⁸ ICC-ASP/22/32.

110. *Stresses* the central importance that the Rome Statute accords to the rights and needs of victims, as victims' right to present and have their views and concerns considered 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 their right to claim reparations awarded and access to relevant information are essential components of justice and, in this regard, *emphasizes* the importance of effective outreach to victims and affected communities in order to give effect to the mandate of the Court;

111. *Recalls* article 75 of the Rome Statute and, in this regard, the reparative justice role of the Court and the Trust Fund for Victims, and *notes* that assistance and reparations to victims may promote reconciliation and contribute to peace-building;

112. *Acknowledges* the importance of protective measures for victims and witnesses, including considering the best interests, rights and well-being of children and maintaining the physical and psychological welfare of witnesses, particularly victims of sexual and gender-based crimes, 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, *urges* all States to consider concluding such relocation agreements and *encourages* all States to contribute to the Special Fund for Relocations;

113. *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;

114. *Recalls* the Court's previous commitment to review its Revised Strategy in Relation to Victims once a judicial cycle is finished,²⁹

115. *Renews its appreciation* to the Board of Directors and the Secretariat of the Trust Fund for Victims for their continuing commitment towards victims and affected communities and in this regard, *notes with appreciation* the latest report by the Board of Directors on the activities of the Trust Fund for Victims to the Assembly³⁰ as well as the efforts of the Board of Directors to improve the governance, efficiency and effectiveness of the Trust Fund for Victims;

116. *Notes* the significant increase in the activities of the Trust Fund for Victims, to include the on-going implementation of three reparations programmes in the Democratic Republic of the Congo and Mali, one interim programme for priority victims in urgent need and its associated reparations proceedings towards a full programme of reparations in the Democratic Republic of the Congo, and an additional ongoing reparations proceeding in Uganda, as well as the expansion of assistance programmes for the benefit of victims to seven situations before the Court;

117. *Calls upon* States, international and inter-governmental organizations, individuals, corporations and other entities to make voluntary contributions, in accordance with their financial ability, to the Trust Fund for Victims in order to broaden its resource base, improve the predictability of funding and maintain responsiveness to harm suffered by victims as well as to the Court's judicial developments, and *renews its appreciation* to those that have done so;

118. *Invites* States Parties to respond to requests of the Trust Fund for Victims for earmarked contributions for the purposes of funding specific reparations awards, as well as of replenishing and strengthening the Trust Fund's general reparations reserve, and *expresses its appreciation* to those that have already done so;

119. *Also invites* States Parties to consider making earmarked voluntary contributions to the Trust Fund for the benefit of victims of sexual and gender-based violence, and *expresses its appreciation* to those that have already done so;

²⁹ ICC-ASP/13/Res.4, para. 1.

³⁰ ICC-ASP/22/14.

120. *Notes* the intention of the Trust Fund for Victims to raise voluntary contributions and private donations, in order to ensure the implementation of Court-ordered reparations and assistance activities for the benefit of victims in cases and situations before the Court, in particular to fully complement the €31.1 million liability in the cases of *Thomas Lubanga* and *Bosco Ntaganda* and for the continuation in 2024 of multi-annual assistance programmes;

P. Recruitment of staff

121. *Takes note* of the Court's report on Human Resources Management³¹ and *requests* the Court to further strengthen its efforts, in the recruitment of staff, to seek equitable geographical representation with a particular focus on candidates from non-represented and under-represented States Parties, 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 *encourages* further progress in this regard;

122. *Calls upon* the Court to report the outcome of its efforts to seek equitable geographical representation with a particular focus on candidates from non-represented and under-represented States Parties and gender balance to the Assembly at its twenty-third session, including, but not limited to, improvements in the recruitment process and annual recruitment data;

123. *Welcomes* the initiative by the Registry to hold a two-day Workshop on Geographical Representation and Gender Balance (GRGB) in order to assess the current situation and to identify strategies and concrete proactive measures to significantly enhance GRGB in a comprehensive, systemic, and sustainable manner;

124. *Takes note* of the continued 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;³²

125. *Urges* States Parties to undertake efforts to identify and enlarge pools of potential applicants to the Court's professional positions from States Parties from non- and under-represented regions and countries, including through the financing by the Assembly of the Court's internship and visiting professional programmes, and by States Parties of Junior Professional Officer (JPO) programmes, through targeted outreach initiatives and through the dissemination among relevant national institutions and organizations of the Court's vacancies;

126. *Welcomes* the establishment by the Court of a programme to fund, through voluntary contributions, the placement of interns and visiting professionals from developing regions with a particular focus on candidates from non-represented and under-represented States Parties, *welcomes* the voluntary contributions received thus far, *calls upon* States Parties to contribute to this programme, and *requests* the Court to further devise mechanisms that can ensure in a more sustainable and systematic manner the funding of placements of interns and visiting professionals from developing regions;

127. *Also welcomes* the Court-wide, Office of the Prosecutor, Registry and Trust Fund for Victims Strategic Plans for 2023-2025, and their strategic goals to improve the geographical representation and gender balance as one of the Court's priorities;

128. *Further welcomes* the adoption of the Court's first Strategy on Gender Equality and Workplace Culture on 8 December 2022;

129. *Takes note* of the report of the Comprehensive Action Plan,³³ and *notes* that the facilitation on geographical representation and gender balance will continue to implement the recommendations falling within its ambit;

³¹ ICC-ASP/22/18.

³² ICC-ASP/22/31.

³³ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf.

Q. Complementarity

130. *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;

131. *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;

132. *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;

133. *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;

134. *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;

135. *Welcomes* the report of the Bureau on complementarity and the recommendations made on future consultations set out therein,³⁴ and *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 and victims protection and sexual and gender-based crimes;

136. *Also welcomes* the information by the Secretariat of the Assembly of States Parties 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, *further welcomes* the work that has already been undertaken by the Secretariat and the President of the Assembly, and *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 invite States to submit information on their capacity needs for the consideration of States and other actors in a position to provide assistance, and to report on the practical steps taken in this regard to the twenty-third session of the Assembly;

137. *Encourages* States, international and regional organizations and civil society to submit to the Secretariat information on their complementarity-related activities and *further welcomes* the efforts made by the international community and national authorities, including national capacity-building activities to investigate and prosecute sexual and gender-based crimes that may amount to Rome Statute crimes, in particular the continued efforts on the strategic actions to ensure access to justice and to enhance empowerment of victims at national level, recalling the recommendations presented by the International Development Law Organization³⁵ during the fourteenth session of the Assembly;

³⁴ ICC-ASP/22/19.

³⁵ International Development Law Organization paper entitled "Complementarity for sexual and gender-based atrocity crimes", November 2015.

138. *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* continued inter-State cooperation, including on engaging international, regional and national actors in the justice sector, as well as civil society, in exchange of information and practices on strategic and sustainable efforts to strengthen national capacity to investigate and prosecute Rome Statute crimes and the strengthening of access to justice for victims of such crimes, including through international development assistance;

R. Independent Oversight Mechanism

139. *Recalls* its decision in resolution ICC-ASP/21/Res.2 requesting the Bureau to remain seized of the review of the work and operational mandate of the Independent Oversight Mechanism and to follow up on the recommendations contained in the report of the facilitation, with a view to considering also recommendations of the Independent Expert Review in this regard, and to report thereon to the Assembly at its twenty-second session;

140. *Welcomes* the discussions held during 2023 on the review of the work and operational mandate of the Independent Oversight Mechanism, which is a subsidiary body of the Assembly of States Parties;

141. *Takes note* of the Final Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System,³⁶ in particular its recommendations related to the work and operational mandate of the Independent Oversight Mechanism, which deserves thorough discussions among States Parties and consideration and may call for further revisions of the mandate;

142. *Recalls* that the revised operational mandate of the Independent Oversight Mechanism applies provisionally until, and without prejudice to, any decision of the Assembly to amend or replace the mandate after its consideration of the report and the recommendations of the Independent Expert Review;

143. *Welcomes* the complementary initiatives undertaken by the Bureau, the Assembly oversight bodies and the Court to try to ensure that the different organs of the Court have streamlined and updated where required, and, to the extent possible, consistent ethics charters and codes of conduct;

144. *Reiterates* the critical importance of the Independent Oversight Mechanism in carrying out its work in an independent, transparent and impartial manner free from any undue influence;

145. *Welcomes* the annual report of the Head of the Independent Oversight Mechanism;³⁷

146. *Reaffirms* the importance of the Independent Oversight Mechanism reporting to States Parties on the results of its activities;

147. *Emphasizes* the importance of adherence to the highest professional and ethics standards by all Court staff and elected officials, *acknowledges* the essential role played and work done by the Independent Oversight Mechanism, and that the revised operational mandate of the Independent Oversight Mechanism³⁸ enables it to investigate the alleged conduct of former elected officials and staff both while they were in office and when they separated from service as prescribed in its paragraph 10, *takes note* of the status report provided by the Office of the Prosecutor, and *invites* the Court to provide at the earliest opportunity in advance of the twenty-third session of the Assembly any relevant update and recommendation on any necessary follow-up action for the Court and/or the Assembly;

148. *Welcomes* the progress made in formally aligning the regulatory framework of the Court with the operational mandate of the Independent Oversight Mechanism, in particular the Administrative Instruction on Investigation of Unsatisfactory Conduct and the Administrative Instruction on Unsatisfactory Conduct and Disciplinary Proceedings, as well as the Administrative Instruction on Discrimination, Harassment, including Sexual

³⁶ ICC-ASP/19/17.

³⁷ ICC-ASP/22/21.

³⁸ ICC-ASP/19/Res.6, annex II.

Harassment, and Abuse of Authority, and *encourages* the Court, with the support of the Independent Oversight Mechanism, as necessary, to continue working to ensure that all relevant documents are updated and aligned with the mandate of the Independent Oversight Mechanism in order to harmonize the applicable rules;

S. Programme budget

149. *Takes note* of the important work done by the Committee on Budget and Finance, which is a subsidiary body of the Assembly, and *reaffirms* the independence of the members of the Committee;

150. *Recalls* that, according to its Rules of Procedure,³⁹ the Committee 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;

151. *Takes note with concern* of the report of the Bureau on the arrears of States Parties;⁴⁰

152. *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;

153. *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;

T. Review Conference

154. *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 crime⁴¹ and 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;⁴²

155. *Calls upon* all States Parties to consider ratifying or accepting these amendments, noting that they shall enter into force in accordance with article 121, paragraph 5, of the Rome Statute, *notes with appreciation* the recent ratifications of the amendments⁴³ and *notes* that two States Parties have lodged declarations in accordance with article 15 *bis*, paragraph 4, of the Rome Statute;⁴⁴

156. *Welcomes* the activation of the International Criminal Court's jurisdiction over the crime of aggression as of 17 July 2018, as decided by consensus by the Assembly in its resolution ICC-ASP/16/Res.5, marking the first time that a permanent international court has the authority to hold individuals accountable in respect of this crime, thereby completing the achievements of the Rome and Kampala Conferences of 1998 and 2010;

157. *Recalls* the decision taken by the first Review Conference to review the amendments on the crime of aggression seven years after the beginning of the Court's exercise of jurisdiction and *notes* that this review is to be prepared ahead of 17 July 2025;⁴⁵

158. *Invites* States Parties to resume the discussions on the issue of peace and justice that arose during the stock-taking exercise held at the Review Conference;

³⁹ ICC-ASP/18/Res.1, annex.

⁴⁰ ICC-ASP/22/16.

⁴¹ *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.6.

⁴² *Ibid.*, RC/Res.5.

⁴³ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-b&chapter=18&lang=en and https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-a&chapter=18&clang=en.

⁴⁴ <https://www.icc-cpi.int/resource-library#>.

⁴⁵ *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.6, paragraph 4.

159. *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 twenty-third session of the Assembly, in written form or through their statement at the general debate on the implementation thereof;

U. Consideration of amendments

160. *Welcomes* the report of the Working Group on Amendments;⁴⁶

161. *Calls upon* all States Parties to ratify or accept the amendment to article 124;

162. *Also calls upon* all States Parties to ratify or accept the amendments to article 8 adopted at the sixteenth and eighteenth sessions of the Assembly;⁴⁷

V. Participation in the Assembly of States Parties

163. *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;

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

165. *Recalls* the long-term and continuing cooperation between the Assembly, States Parties, and non-governmental organizations of civil society, and *reaffirms* resolution ICC-ASP/2/Res.8 on recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court;

166. *Calls upon* all States to refrain from any acts constituting an attack, threat, intimidation or reprisal against participants in the work of the Assembly;

167. *Takes note of* the Guidelines for enhancing the security of participants in the work of the Assembly adopted by the Bureau on 4 October 2023 and *requests* the Bureau to continue developing measures to this effect in consultation with States Parties, the Court and civil society, and to report to the Assembly at its twenty-third session; and

168. *Decides* to entrust the Court, the President of the Assembly, the Bureau, the Advisory Committee on Nominations, the Working Group on Amendments, the Study Group on Governance, the Independent Oversight Mechanism, the Secretariat, and the Board of Directors and the Secretariat of the Trust Fund for Victims, as appropriate, with the mandates contained in annex I to the present resolution.

⁴⁶ ICC-ASP/22/29.

⁴⁷ ICC-ASP/16/Res.4 and ICC-ASP/18/Res.5.

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;¹ 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 twenty-third session;
2. With regard to the **Agreement on Privileges and Immunities**, *requests* the Bureau to continue to support the ratification of the Agreement;
3. With regard to **cooperation**,
 - (a) *urges* the Bureau, through The Hague Working Group, to continue the discussions on the proposals resulting from the seminar of the co-facilitation held in The Hague on 7 November 2018 entitled “Arrests: a key challenge in the fight against impunity”;
 - (b) *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 twenty-third session;
 - (c) *invites* the Bureau, through its working groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities;
 - (d) *also invites* the Bureau, through its working groups, to continue to strengthen the relationship between the United Nations and its agencies and entities, including for capacity building, the ICC and States Parties, to foster cooperation with the Court;
 - (e) *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance, including by considering consultations with the State Party concerned when necessary;
 - (f) *encourages* the Bureau, through its working groups, to continue its review of the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,² in close cooperation with the Court, where appropriate;
 - (g) *requests* the Bureau to maintain a facilitation of the Assembly of States Parties 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) *also requests* the Bureau, through the facilitation on cooperation, in accordance with the resolution on the Review of the International Criminal Court³ and the Review Mechanism’s Comprehensive Action Plan,⁴ to continue to review the implementation of the recommendations related to cooperation as appropriate, and to report thereon to the Assembly at its twenty-third session;
 - (i) *requests* the Court to continue to submit an updated report on cooperation to the Assembly at its annual session, containing disaggregated data over the responses provided by States Parties, including highlighting the main challenges;
 - (j) *mandates* the Bureau, through its working groups, to continue discussions on cooperation on financial investigations and the freezing and seizing of assets as set out in the Declaration of Paris, including by continuing the work to further develop the secured digital platform;

¹ ICC-ASP/22/26.

² ICC-ASP/6/Res.2, annex II.

³ ICC-ASP/19/Res.7.

⁴ [https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive Action Plan-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf).

(k) *requests* the Registrar to engage with States Parties with regard to issues outlined in paragraph 22 of this resolution and to report to the Bureau, through the cooperation facilitation, in the first half of 2024 on the outcome of these discussions;

(l) *requests* the President of the Assembly to continue to engage actively and constructively with all relevant stakeholders in accordance with the Assembly procedures relating to non-cooperation, both to prevent instances of non-cooperation and to follow up on any matter of non-cooperation referred by the Court to the Assembly;

(m) *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

(n) *requests* the Bureau to continue to actively engage throughout the intersessional period with all relevant stakeholders to continue to ensure effective implementation of the Assembly procedures relating to non-cooperation and to submit a report on its activities to the Assembly at its twenty-third session;

4. 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 update its report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council⁵ ahead of the twenty-third session of the Assembly;

5. 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;

6. With regard to **elections**,

(a) *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, 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 report;⁶

(b) *requests* the Bureau to report to the Assembly at its twenty-third session on possible amendments to other mandates and procedures which may be necessary in order to implement the due diligence procedure for elected officials; and

(c) *also requests* the Bureau to update the Assembly, at its twenty-third session, on the progress of the review of the procedure for the nomination and election of judges;

7. With regard to **the Secretariat**, *invites* the President to report to the twenty-third session of the Assembly on the implementation of the recommendations contained in the report of the Bureau on the assessment of the Secretariat;⁷

8. With regard to **legal aid**,

(a) *requests* the Court to make the amendments to the Court's legal framework necessary to ensure the effective implementation of the new Legal Aid Policy of the International Criminal Court;

(b) *also requests* the Court to report on the application of the new Legal Aid Policy by 31 August 2024, in consultation with members of defence and victims' teams, in order to facilitate the Assembly's review and consideration of the Legal Aid Policy at the twenty-third session of the Assembly;

(c) *requests* the Bureau to address the question of whether the existing legal framework (comprising, inter alia, the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court) provides a legal basis for tax exemptions to

⁵ ICC-ASP/22/19.

⁶ Report of the Bureau on the review of the procedure for the nomination and election of judges (ICC-ASP/22/33).

⁷ ICC-ASP/17/39.

be granted to defence and victims' counsel and persons assisting counsel, who are subject to the Legal Aid Policy of the International Criminal Court, with a view to achieving a common understanding among the States Parties, and to report on the matter, with recommendations or options, in advance of the twenty-third session of the Assembly;

(d) *requests* the Court to continue to ensure appropriate representation of counsel in the Advisory Committee on Legal Texts;

(e) *also requests* the Court to continue its review of the current framework and operation of the functions regarding financial investigations on suspects and accused persons across all organs in order to make proposals to the Assembly through its relevant facilitations (legal aid and cooperation) with a view to strengthening the Registry's capacity to trace, freeze and seize assets of the accused in the context of legal aid requests, while paying due respect to the rights of the accused and to ensure increased efficiency of that global framework; and

(f) *requests* the Bureau to continue its work on legal aid and to report to the Assembly at its twenty-third session;

9. 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, and to provide State Parties with its update on implementation of the respective IER recommendations; and

(b) *invites* the Study Group to closely cooperate with the Court, subsidiary bodies and other facilitations established by the Assembly on the implementation of the Independent Experts' recommendations that address governance issues;

10. 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) *encourages* the Bureau, including through its 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

(c) *encourages* the Court to take note of the best practices of relevant international and national organizations, tribunals, and mechanisms related to sexual and gender-based crimes, including practices related to investigation, prosecution and training, in solving challenges related to crimes under the Rome Statute, including sexual and gender-based crimes, while reiterating its respect for the independence of the Court;

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

(a) *decides* that its annual session shall have a duration of up to six working days with a possible extension of up to three additional days in election years, as required, and to focus, in such cases, the first three days on the elections of judges;

(b) *also decides* that its annual sessions shall include one or two plenary segments on specific agenda items;

(c) *invites* the facilitators and focal points, when appropriate, to present their work to the Assembly;

(d) *also invites* the facilitators and focal points to commit themselves for a period of up to three years, considering the particularities and the complexity of each mandate and to submit, in addition to their regular reports, a final written report to the Assembly at the end of their mandate, including lessons learnt;

(e) *invites* the Bureau to implement the recommendations of the 2013 working methods report;⁸

⁸ ICC-ASP/12/59.

(f) *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;⁹

(g) *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;

(h) *requests* the Bureau to continue conducting evaluations of the established mandates and, where appropriate, consider the inclusion of end-dates and that it prepare recommendations on the reduction of the number and length of reports;

(i) *also requests* the Bureau to discuss the representative character of its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, and to submit a written summary of views expressed ahead of the twenty-third session of the Assembly, and *further requests* the Bureau to, in light of the written summary, consult with all States Parties on the topic and submit a report, without prejudice to any course of action, ahead of the twenty-fourth session of the Assembly; and

(j) *requests* all facilitators and focal points, in consultation with States Parties, to undertake an exercise to further streamline the present resolution for the twenty-third session, including through continued implementation of the Guiding Principles on the streamlining and drafting of proposals for this resolution;

12. With regard to **victims and affected communities, reparations and the 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 on-going dialogue with the organs of 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) *requests* the Court to initiate consultations for the development of an updated Revised Strategy in Relation to Victims, taking into account the ongoing consideration of the relevant Independent Expert Review recommendations, and to report to the Assembly at its twenty-third session;

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

(g) *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;

⁹ As outlined, for example, 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).

13. 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 report of its thirty-eighth resumed session and *urges* the Court to take the necessary steps to implement it;

(b) *requests* the Court to submit to the Assembly a comprehensive report on human resources by the end of May 2024, to be considered by the Assembly at its twenty-third session, which would include an update on the implementation of the recommendations on the topic made by the Committee in 2023;

(c) *also requests* the Court to include in that report an outline of its efforts to improve the recruitment process in seeking equitable geographical representation with a particular focus on candidates from non-represented and under-represented States Parties and gender balance, including annual recruitment data;

(d) *requests* the Bureau to continue engaging with the Court to identify ways to improve equitable geographical representation and gender balance in professional posts, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the twenty-third session of the Assembly; and

(e) *urges* the Court to continue to seize the opportunities 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;

14. 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 and victims protection and sexual and gender-based crimes;

(b) *encourages* the Bureau to engage with interested States Parties and other relevant actors to identify ways to support Court efforts in this regard with respect to sexual and gender-based crimes that amount to Rome Statute crimes, with a view to reporting thereon to the twenty-third session of the Assembly; and

(c) *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 invite States to submit information on their capacity needs for the consideration of States and other actors in a position to provide assistance, and to report on the practical steps taken in this regard to the twenty-third session of the Assembly;

15. With regard to the **Independent Oversight Mechanism**,

(a) *requests* the Bureau to remain seized of the review of the work and the operational mandate of the Independent Oversight Mechanism and to follow up on the recommendations contained in the report of the facilitation, with a view to considering also recommendations of the Independent Expert Review in this regard, and to report thereon to the Assembly at its twenty-third session;

16. 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 facilitator, 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, via the

annual facilitation on the topic of arrears, report thereon to the Assembly at its twenty-third session;

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

17. 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;

18. 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 Working Group to submit a report for the consideration of the Assembly at its twenty-third session;

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

(a) *decides* that the Committee on Budget and Finance shall hold its forty-third session virtually, on 29 January 2024, to elect the Chair and Vice-Chair and to discuss other matters, that its forty-fourth session would take place from 15 to 19 April 2024 and its forty-fifth session from 2 to 13 September 2024, both in The Hague; and

(b) *also decides* that the Assembly shall hold its twenty-third session in The Hague from 2 to 7 December 2024, and its twenty-fourth session in The Hague.

Annex II

Due diligence procedure for candidates for elected officials of the International Criminal Court

Introduction

1. The following due diligence procedure for elected officials of the International Criminal Court (hereafter “due diligence procedure”) shall apply to all candidates for Judges, Prosecutor, Deputy Prosecutor, Registrar and Deputy Registrar of the International Criminal Court (“the Court”).
2. The due diligence procedure shall be conducted by the Independent Oversight Mechanism (“IOM”) with the assistance of the Registry of the Court and the Secretariat of the Assembly of States Parties, as appropriate.
3. The due diligence procedure is intended only to assist States Parties and/or the authority in charge of the election process,¹ as appropriate, to assess whether there might be relevant concerns as to whether such candidates possess “high moral character” as required by the Rome Statute. It is without prejudice to other efforts or mechanisms to assess the professional skills and competencies of such candidates.

Background check

4. The opening of the nomination process for candidates for judges or any vacancy announcement for an elected official shall provide information on this due diligence procedure and include a requirement for the candidates to complete a detailed questionnaire to be provided to them by the IOM, providing consent to contact former employers and employees, State authorities, or academic institutions, as appropriate.
5. The Secretariat of the Assembly, or the authority in charge of the election process, as appropriate, shall provide to the IOM the nominations by States or list of names of candidates with all accompanying supporting documentation.
6. The IOM shall contact the candidates and require them to complete a detailed questionnaire, and provide consent to contact former employers and employees, State authorities, or academic institutions.
7. When sending the questionnaire and request for consent to candidates in accordance with paragraph 6, the IOM shall provide the candidates with an appropriate deadline for submission and advise of the consequences of non-compliance set out in paragraph 8. This communication from the IOM shall also be copied to the nominating States Parties (where relevant).
8. The IOM shall inform the Presidency of the Assembly of any failure of a candidate to submit a completed questionnaire, or provide the required consent, within the deadline. The IOM shall also include information in its report to the Presidency of the Assembly on the impact of that failure on its ability to assess the candidate in accordance with paragraph 23 and, on that basis, may recommend that the candidate not be considered further for election.
9. The IOM shall conduct an in-depth background check of criminal, academic and employment records of the candidates with the assistance of relevant sections of the Registry, as appropriate. The check shall include a review and analysis of open-source information and contacts with former employers and, where feasible, employees who may have worked with the candidates.
10. States Parties commit to assisting the IOM fully in any inquiries regarding this review, and to respond to any IOM request in a timely manner.

¹ Without prejudice to future decisions of the Assembly, the “authority in charge of the election process” means: the Advisory Committee on Nominations of Judges, for the election of Judges; a Committee that may be established, for the election of the Prosecutor; the Prosecutor, for the election of the Deputy Prosecutor; and the Presidency of the Court, for the election of the Registrar and Deputy Registrar.

Confidential channel for the receipt of allegations of misconduct

11. For the purposes of this due diligence procedure, “misconduct” refers to human rights violations; incidents in the workplace or in connection with work of harassment, including sexual harassment, abuse of authority, discrimination and bullying; as well as other ethical or legal breaches of a serious nature such as fraud or corruption.²

12. As soon as the IOM has received the nominations or list of names, the IOM shall open a confidential channel for the receipt of allegations of misconduct against any of the candidates nominated by States or included in a public list provided to the Assembly of States Parties.

13. The opening of the confidential channel shall be communicated to all States Parties by the Secretariat of the Assembly of States Parties and shall be disseminated through the Court’s website and social media accounts, as well as through efforts by States Parties and civil society to provide information thereon to relevant agencies and professional associations. In particular, States Parties that have nominated candidates for judges shall ensure that the process for submitting information to the channel, including how allegations received will be treated, is provided to the organizations where the candidate has previously worked or is currently working, noting that they are being considered as judicial candidates at the Court.

14. The confidential channel for the receipt of allegations shall remain open for a time determined by the IOM for each election, which shall in no case be less than sixty (60) days. In the event of an extension of a nomination period, where relevant, the IOM shall ensure equal treatment between candidates.

Review of allegations of misconduct

15. Any allegation made shall be accompanied by relevant information and documentation to the extent that it is available to the complainant.

16. The IOM shall acknowledge receipt of any allegation received, and explain the process of review, and how the information received will be treated. The complainant shall also be informed that they may be contacted by the IOM to provide additional details of their allegations, and that failure to provide such additional information may lead to the allegation not being reviewed any further. Anonymous allegations shall not be accepted.

17. The allegation and its review by the IOM shall be confidential and always remain so. Under no circumstances shall the identity of the complainants be disclosed without their prior consent. Only when the allegation cannot be reviewed and assessed based on available corroborative evidence, and disclosure is necessary to ensure fairness, may the IOM seek the consent of the complainant to any such disclosure. When such conditions are met and the IOM does not obtain the required consent from the complainant, the IOM shall set aside the allegation and discontinue its review.

18. The IOM shall first review the allegation and consider whether it relates to misconduct. If it does not, the review of the allegation shall be discontinued. If the allegation relates rather to concerns about the candidate’s qualifications, abilities, or past performance, the IOM shall convey the relevant information, taking into consideration any confidentiality concerns expressed by the complainant, to the Chair of the Advisory Committee on Nominations of Judges (“ACN”), or the authority in charge of the election process, as appropriate.

19. When the allegation relates to misconduct, the IOM shall review the credibility of the allegation, including by obtaining further information and details from the complainant, either in writing or through an interview, and corroborating, to the extent possible, the information obtained.

20. The IOM shall also assess the materiality of the allegation, determining the type of misconduct at issue and its seriousness.

21. Any allegation found to be credible and material by the IOM shall be put to the candidate, to allow them a full and fair opportunity to respond to the allegation, either in

² In this context, the definitions of harassment, sexual harassment, abuse of authority, and discrimination shall be those found in the International Criminal Court’s Administrative Instruction *Addressing Harassment, Including Sexual Harassment, and Abuse of Authority* (Ref. ICC/AI/2022/003), 6 April 2022, available online.

writing or through an interview. Any candidate contacted by the IOM in this context shall be warned not to retaliate against any complainant and shall be informed of the consequences of retaliation as set out in paragraph 22.

22. If the IOM receives any allegations of retaliation against the complainant by the candidate, it shall assess the credibility and materiality of those allegations as a form of misconduct as set out in this procedure. If any allegation of retaliation is found to be credible and material, the IOM shall inform the nominating State Party (where relevant) and the ACN Chair or other relevant authority in charge of the election process. The IOM shall further include this information in its report to the Presidency of the Assembly.

Reporting

23. At the conclusion of the review process and within the time period to be established for each election process, the IOM shall submit to the Presidency of the Assembly a report regarding any concerns it may have identified that it considers could affect the assessment of high moral character of any of the candidates for elected officials pursuant to paragraph 1. In particular, it shall include an assessment as to whether, on the basis of all the information before it, there is sufficient credible and material evidence, in the IOM's view, to raise concerns about the candidate's high moral character. A copy of this report shall be transmitted to the Chair of the ACN, or the authority in charge of the election process, as appropriate.

24. The IOM report to the Presidency of the Assembly shall also include information on the overall number of allegations received that lacked sufficient credibility or materiality to be put to the candidates, or that otherwise were not reviewed by the IOM such as anonymous allegations, allegations for which there was lack of consent to disclose identity when necessary, or performance-related allegations. In order to preserve the confidentiality of the process, only general information on the reasons to set aside the allegation shall be provided.

25. If an allegation was presented to a candidate, a short summary of that allegation and the response provided by the candidate shall be included in the report to the Presidency of the Assembly in a manner that ensures that the complainant's identity is not disclosed and no identifying details are provided.

26. Should the IOM be unable to reach a definite conclusion on the allegation by the time of its report to the Presidency of the Assembly, it shall identify whether it would be possible to take further investigative steps to confirm or refute the allegation, and what these steps would entail in terms of time and resources, including any impact these steps may have on the overall process.

27. The IOM shall provide any candidate who was notified of an allegation against them the IOM's assessment of the allegation, at the same time as the report is submitted to the Presidency of the Assembly. The IOM shall also inform the complainant and the nominating State Party (where relevant) of its assessment in such cases.

28. The IOM shall also submit a report to the Assembly containing a general overview of the procedure undertaken, as well as any insights on lessons learned for the future.

Decision on the way forward

29. If the IOM report contains any matters that, in the IOM's view, based on its assessment of sufficient levels of evidence, credibility and materiality in accordance with paragraph 23, may raise concerns about the high moral character of any of the candidates, the Presidency of the Assembly shall request written observations on such matters from the authority in charge of the election process, as appropriate. The Presidency shall transmit the IOM report and written observations received to the Bureau. The Presidency shall also recommend a course of action to be adopted by the Bureau or the Assembly, as appropriate, including, inter alia, briefing States Parties on the information contained in the IOM report.

Resolution ICC-ASP/22/Res.4

Adopted at the 10th plenary meeting, on 14 December 2023, by consensus

ICC-ASP/22/Res.4

Resolution of the Assembly of States Parties on the proposed programme budget for 2024, the Working Capital Fund for 2024, the scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriations for 2024 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2024 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the reports of the Committee on Budget and Finance (“the Committee”) on the work of its fortieth session,¹ its forty-first session,² and its forty-second session,³

Taking note of the recommendations in the final report of the Independent Expert Review on the International Criminal Court and the Rome Statute system,⁴ in particular as they relate to the budget process, without prejudice to the resolution on the review of the International Criminal Court and the Rome Statute system,

A. Programme budget for 2024

1. Approves appropriations totalling €187,084,300 in the appropriation sections described in the following table:

Appropriation section			Thousands of euros
Major Programme	I	Judiciary	15,443.5
Major Programme	II	Office of the Prosecutor	60,593.2
Major Programme	III	Registry	95,271.4
Major Programme	IV	Secretariat of the Assembly of States Parties	3,277.0
Major Programme	V	Premises	2,599.4
Major Programme	VI	Secretariat of the Trust Fund for Victims	4,324.0
Major Programme	VII-5	Independent Oversight Mechanism	1,102.2
Major Programme	VII-6	Office of Internal Audit	888.5
<i>Subtotal</i>			183,499.2
Major Programme	VII-2	Host State Loan	3,585.1
Total			187,084.3

2. Notes that those States Parties that have opted for the one-time payment in respect of the permanent premises and have made such payments in full will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan, amounting to €3,585,100;

3. Further notes that these contributions will bring down the level of the 2024 programme budget appropriations that need to be assessed for contributions by States Parties from €187,084,300 to €183,499,200, and that this amount will be assessed following the principles described in section E; and

¹ Official Records ... Twenty-second session ... 2023 (ICC-ASP/22/20), vol. II, part B.1.

² Ibid., part B.2.

³ Ibid., part B.3.

⁴ ICC-ASP/19/16.

4. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Office of the Judiciary Prosecutor</i>	<i>Registry</i>	<i>Secretariat, Assembly of States Parties</i>	<i>Secretariat, Trust Fund for Victims</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>
USG	-	1	-	-	-	-	1
ASG	-	2	1	-	-	-	3
D-2	-	-	-	-	-	-	0
D-1	-	3	3	1	1	-	9
P-5	2	19	21	1	-	1	44
P-4	4	38	46	1	4	2	96
P-3	21	85	82	2	2	-	193
P-2	12	88	93	1	2	1	197
P-1	-	22	6	-	-	-	28
<i>Subtotal</i>	<i>39</i>	<i>258</i>	<i>252</i>	<i>6</i>	<i>9</i>	<i>4</i>	<i>571</i>
GS-PL	1	1	15	1	-	-	18
GS-OL	11	81	282	3	4	1	383
<i>Subtotal</i>	<i>12</i>	<i>82</i>	<i>297</i>	<i>4</i>	<i>4</i>	<i>1</i>	<i>401</i>
Total	51	340	549	10	13	5	972

B. Working Capital Fund for 2024

The Assembly of States Parties,

Recalling that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,⁵

Recalling also its resolution⁶ at its twenty-first session that the Working Capital Fund for each year shall be established in the amount of one-twelfth of the approved budget appropriations for the previous year,

1. *Notes* that the Working Capital Fund for 2023 was established in the amount of €12.9 million;
2. *Also notes* that the current level of the Working Capital Fund is €11.5 million;
3. *Resolves* that the Working Capital Fund for 2024 shall be established in the amount of €14.4 million, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court; and
4. *Decides* that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

C. Outstanding contributions

The Assembly of States Parties,

Welcoming the report of the Independent Expert Review,⁷ as well as the report of the Bureau on the arrears of States Parties,⁸ and in particular the conclusions and recommendations contained in that report,⁹

⁵ Financial Regulations and Rules 6.2.

⁶ ICC-ASP/21/Res.1, section B, para. 3.

⁷ ICC-ASP/19/16, recommendation 140.

⁸ ICC-ASP/22/16.

⁹ *Ibid.*, paras. 15 to 16.

Recalling paragraphs 42, 43 and 44 of resolution ICC-ASP/4/Res.4,

1. *Notes with serious concern* the state of arrears and the liquidity issues facing the Court, and the associated operational risk, *underlines* the importance of endowing the Court with the necessary financial resources and the relevant provisions of resolution ICC-ASP/4/Res.4 concerning timely payments of assessed contributions and arrears, *urges* all States Parties to pay their assessed contributions in full and on time in accordance with the Financial Regulations and Rules of the Court, and *decides* to keep the issue under review and continue to consider the relevant recommendations of the report of the Independent Expert Review, the Committee, the External Auditor and other bodies; and
2. *Welcomes* the Court's development of guidelines,¹⁰ consistent with existing rules and regulations, for States Parties which are in arrears and subject to the provisions of article 112, paragraph 8, of the Rome Statute, and which face significant economic hardship, to enter into voluntary and sustainable payment plans, *strongly encourages* States Parties in arrears and subject to the provisions of article 112, paragraph 8, to work voluntarily, in coordination with the Court, to develop such payment plans, and *further requests* the Court to keep States Parties informed of any such payment plans and their implementation through The Hague Working Group facilitation on the budget, including via the monthly financial reports provided to States Parties.

D. Contingency Fund

The Assembly of States Parties,

Recalling its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

Recalling also that the Contingency Fund was established to ensure that the Court can meet: (a) costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; (b) unavoidable expenses for developments in existing situations that could not be accurately estimated at the time of the adoption of the budget; and (c) costs associated with an unforeseen meeting of the Assembly,¹¹

Taking note of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

Recalling that the Assembly, at its sixteenth session, decided that, should the Contingency Fund fall below €5.8 million by its seventeenth session, the Assembly would assess the need for its replenishment, bearing in mind the report of the Committee on Budget and Finance,¹² and regulation 6.6 of the Financial Regulations and Rules,

1. *Notes* that the current level of the Contingency Fund is €2.2 million;
2. *Decides* to maintain the Contingency Fund at the notional level of €7.0 million for 2024;
3. *Also decides* that the anticipated cash surplus from 2022 shall exceptionally be used to replenish the Contingency Fund;
4. *Requests* the Bureau to keep the €7.0 million threshold under review in light of further experience on the functioning of the Contingency Fund; and
5. *Requests* the Court to consider practices in place in other international organizations to (i) automatically determine the level of operational reserves similar to the Contingency Fund; and (ii) identify mechanisms for its replenishment to provide more sustainability to such Fund, *and also requests* the Court to submit a report including proposals to the Committee at its forty-fourth session.

¹⁰ ICC-ASP/18/6.

¹¹ Financial Regulations and Rules 6.6.

¹² *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2.

E. Scale of assessment for the apportionment of expenses of the Court

The Assembly of States Parties,

1. *Decides* that for 2024, the contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget applied for 2022-2024,¹³ and adjusted in accordance with the principles on which the scale is based;¹⁴ and
2. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

F. Financing of appropriations for 2024

The Assembly of States Parties,

1. *Notes* that the payments corresponding to Major Programme VII-2 Host State Loan will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €183,499,200; and
2. *Resolves* that, for 2024, assessed contributions for the budget amounting to €187,084,300 of the budget appropriations approved by the Assembly under section A, paragraph 1, of the present resolution, will be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court.

G. Premises of the Court

The Assembly of States Parties,

Noting the recommendations of the Committee on Budget and Finance regarding maintenance and capital replacement for the premises of the Court,¹⁵

1. *Approves* capital replacement for the premises of the Court at the level of €379.7 thousand in 2024, while underlining the need to see maintenance and capital replacement in conjunction;
2. *Reiterates* the need for the capital replacement to be fully justified and limited only to those elements which are absolutely necessary and *requests* the Court to continue to ensure that all measures are taken to achieve savings and efficiencies, including using alternatives to capital replacement whenever possible;
3. *Notes* that any capital replacement needs arising in the foreseeable future should be financed within the scope of the regular budget process, taking into account the possible need for a multi-year approach, as appropriate;
4. *Recalls* the Committee's review of estimates for capital replacement, the advice of the pro bono expert on a fully impartial evaluation of the building and the establishment of a medium- and long-term plan, as well as of possible financial and administrative mechanisms including possible alternatives to current contractual arrangements, at its resumed thirty-eighth and thirty-ninth sessions, and *invites* the Committee to continue to undertake a detailed analysis and evaluation of the proposed budget taking into account the need for prioritization;
5. *Welcomes* the impartial assessment of the building and the performance of a revaluation of replacement periods of the building components to establish the final capital replacement budget conducted by a consulting firm and *recalls* the Committee's request to the Court to present a report on its assessment of the proposed plan on the future contract set-up and the multi-year financing plan for its forty-fourth session, in April 2024;
6. *Emphasizes* the importance of availability of adequate space and unimpeded/facilitated/priority access of States Parties to the premises and within the public areas of the Court, including the conference rooms,¹⁶ staff cafeteria and library, *welcomes* the

¹³ A/RES/76/238.

¹⁴ Rome Statute of the International Criminal Court, article 117.

¹⁵ *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part B.3, paras. 183 to 191.

¹⁶ Cluster I.

efforts undertaken by the Court to seek and provide appropriate solutions and *encourages* the continuation of discussions in this regard and in that spirit;

7. *Requests* the Court to prepare a detailed budget report on the security changes needed concerning the possibility of granting access to the staff cafeteria to delegates of States Parties, including different ways in which States Parties might fund such modifications. The report should be submitted for the consideration of the Assembly through the Committee on Budget and Finance at its forty-fourth session in 2024;

8. *Welcomes* the efforts of the Court to find alternatives for bicycle parking for delegates of States Parties and *encourages* further steps that may facilitate their use of the bicycle shed located at the staff parking lot, including the permits to enter the premises using the north-east gate; and

9. *Reaffirms* that the Bureau is entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget, and *requests* that a report on the topic be submitted for consideration by the twenty-third session of the Assembly.

H. Transfer of funds between major programmes under the 2023 approved programme budget

The Assembly of States Parties,

Recognizing that under regulation 4.8 of the Financial Regulations and Rules no transfer between appropriation sections may be made without authorization by the Assembly,

1. *Decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes at the conclusion of 2023 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund; and

2. *Also decides* that the Court may transfer any remaining funds between major programmes at the conclusion of 2023 should some major programmes¹⁷ not be able to absorb the additional costs relating to salary adjustments notified by the International Civil Service Commission whilst a surplus exists in other major programmes.

I. Audit

The Assembly of States Parties,

Having regard to the Charter of the Audit Committee, adopted at its fourteenth session,¹⁸ as amended,

Taking note of the proposed amendments to the Charter of the Audit Committee,

Noting the recommendations of the Committee on Budget and Finance concerning audit matters,¹⁹

Taking note of the findings and recommendations in the final report of the Independent Expert Review of the International Criminal Court and the Rome Statute system related to Internal and External Oversight Mechanisms,²⁰ including the positive assessment given to recommendation R367²¹ and the subsequent technical deliberations on the determination of the appropriate international audit standards,

¹⁷ Excluding Major Programmes I, II and III.

¹⁸ *Official Records ... Fourteenth session ... 2015 (ICC-ASP/14/20)*, vol. II, part B.3, annex IV.

¹⁹ *Official Records ... Twenty-second session ... 2023 (ICC-ASP/22/20)*, vol. II, part B.2, paras. 99 to 103 and *Official Records ... Twenty-second session ... 2023 (ICC-ASP/22/20)*, vol. II, part B.3, paras. 299 to 306.

²⁰ ICC-ASP/19/16.

²¹ R367. As a work unit located in the Registry, the OIA would more properly report to the Principals rather than to the Audit Committee, a subsidiary of the ASP. This would not prevent the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body's role towards the OIA would be overseeing the adequacy of the framework set up for the Court's internal audit function, rather than oversight of the substance of the OIA's work.

Taking note of the External Auditor final report on International Criminal Court Governance Oversight,²²

1. *Welcomes* the reports of the Audit Committee on the work of its seventeenth and eighteenth sessions;
2. *Also welcomes* the performance audit report on legal aid submitted by the External Auditor,²³ and the conclusions and recommendations contained therein, and *notes* the request of the Committee on Budget and Finance to the Court to submit a report on the implementation of the recommendations to the Committee at its forty-fourth session; and
3. *Further welcomes* the initial consideration of the proposed amendments to the Charter of the Audit Committee and *requests* the Bureau through the Budget Management Oversight facilitation to continue discussions on these amendments in the first quarter of 2024, taking into account both the positive assessment of the relevant recommendation of the Independent Expert Review report,²⁴ as reflected in a separate report submitted to the Bureau of the Assembly on 27 June 2022 by the facilitation,²⁵ the subsequent technical deliberations on the determination of the appropriate international audit standards, as well as the outcome of the evaluation of the Secretariat to be conducted by the Independent Oversight Mechanism.²⁶

J. Budget Management Oversight

The Assembly of States Parties,

1. *Notes* that the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims are dynamic and updated on a regular basis;
2. *Notes* the Strategic Plans (2023-2025) for the Court, the Registry, the Office of the Prosecutor, and the Trust Fund for Victims and *also notes* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims;
3. *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;
4. *Invites* the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims to report annually to the Assembly on the implementation of the Strategic Plans in writing, and *invites* the Court to hold annual consultations with the working groups of the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year;
5. *Recalls* the management oversight responsibility entrusted to the Assembly of States Parties and the mandates of the Audit Committee, the Committee on Budget and Finance, the External Auditor and the Independent Oversight Mechanism as well as the Office of Internal Audit, and *encourages* these bodies to further intensify their coordination in order to optimize oversight capacity and reporting, ensure an effective division of labour and avoid duplication of competence and work, in conformity with the resolution on the review of the International Criminal Court and the Rome Statute system;²⁷
6. *Welcomes* the continuous efforts of the oversight bodies to streamline their activities and *invites* them to continue their efforts in that regard;
7. *Welcomes* the increased interaction between these bodies and States Parties, and the initiatives to continue to improve such interactions including via informal meetings; and

²² ICC-ASP/20/6.

²³ ICC-ASP/22/38.

²⁴ R367.

²⁵ <https://asp.icc-cpi.int/sites/asp/files/2022-11/2022-RM-report-progress.pdf>.

²⁶ Fifth meeting of the Bureau, 10 May 2023.

²⁷ ICC-ASP/20/Res.3.

8. *Recalls* relevant decisions of the Assembly of States Parties concerning the Secretariat of the Assembly of States Parties,²⁸ as well as the respective recommendations of the External Auditor,²⁹ and *welcomes* efforts to further improve synergies and flexibility as regards the human resources of the Secretariat of the Assembly.

K. Development of budget proposals

The Assembly of States Parties,

1. *Requests* the Court to present a sustainable budget proposal for its 2025 programme budget, based on transparent and strict financial assessments and needs-analysis. Proposed increases above the level of the 2024 approved budget should be requested only when necessary for the purpose of mandated activities and after all possible steps have been taken to finance such increases through savings and efficiencies;

2. *Recalls* that the proposed programme budget should present the costs for the following year by first highlighting the costs of maintaining current activities, then proposing changes to those activities, including full costings of such changes;

3. *Invites* the Court to continue to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly, *encourages* the Court to make all efforts to ensure a balanced budget, as appropriate, across organs, and *emphasizes* that the Court should strive to present accurate and sustainable budget proposals based on robust forecasts;

4. *Welcomes* the recommendation of the External Auditor³⁰ that the Court question the nature of current appropriations when preparing the annual budget proposal, to avoid a gradual drift in budget appropriations;

5. *Recalls* the conclusions of the External Auditor with regard to financial trade-offs³¹ and *further recalls* that States Parties support the Court in many ways, also outside the normal budgetary process;

6. *Welcomes* the savings and efficiencies achieved by the Court in 2023 and projected for 2024, as set out in the annex to the proposed programme budget for 2024,³² as well as the Court's commitment to continue this practice, *takes note* of the fact that instead of setting annual efficiency targets as requested by the Assembly, the Court promotes a culture of continuous improvement in identifying and implementing efficiencies and savings,³³ and *requests* the Committee, in consultation with the Court, to consider the feasibility of setting Court- or Programme-wide annual efficiency targets and to report on achievements in combination with the Court's efforts for continuous improvement;

7. *Further welcomes* the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, *encourages* continued improvement, and *notes* that the Committee will be updated ahead of its forty-fourth session on the measures taken by the Court and will include its comments in its reports to the Assembly of States Parties;

8. *Requests* the Court to provide, as an annex to the draft budget proposal, an organigram with the number of full-time equivalent posts by section and office indicated, as a way to increase transparency on the organizational structure of the Court; and

9. *Requests* the Court to provide, as an annex to the proposed programme budget, a table presenting the total costs by field office and a breakdown of costs, for each field office, directly related to the different stages of prosecutorial and judicial activities and workload with a view to increasing transparency, *underlines* that some Independent Expert Review recommendations address the issue of use of resources in the field and were assessed

²⁸ ICC-ASP/2/Res.3; *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part 2, footnote 9; and ICC-ASP/18/Res.1, annex, rule 16, para. 1. See also ICC-ASP/18/INF.7, Amendments to the Rules of Procedure of the Committee on Budget and Finance, rule 16, para. 1.

²⁹ External Auditor: Final report on the International Criminal Court governance oversight (ICC-ASP/20/6).

³⁰ Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 2.

³¹ *Ibid.*, para. 213.

³² *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part A, annex XIV.

³³ *Official Records ... Twentieth session ... 2021* (ICC-ASP/20/20), vol. II, part A, para. 36.

positively in 2022,³⁴ and *urges* the Court to continue to make full use of resources modulation and flexibility, including related to staff, in order to adapt to changes in activity and workload.

L. A strategic approach to an improved budgetary process

The Assembly of States Parties,

Bearing in mind the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out their duties,

1. *Reiterates* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee in both working languages of the Court, *emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, and *strongly encourages* the Committee to ensure that its reports are published no more than one month after its session;
2. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying potential duplications and promoting synergies within as well as between the different organs of the Court;
3. *Welcomes* the Court's continued efforts to fully implement the "One-Court principle" when establishing the proposed programme budget, which has resulted in improvements to the budgetary process;
4. *Welcomes* the continued work of the Court on the topic of performance indicators as an important tool to fulfil its functions, in particular with regard to effective leadership and management, and *encourages* the Court to continue this work in light of the recommendations of the External Auditor and to share with States Parties any update on the development of performance indicators;
5. *Recalls* the recommendations of the Independent Expert Review concerning the Trust Fund for Victims and the report of the Independent Oversight Mechanism (November 2019) on the evaluation of the Secretariat of the Trust Fund for Victims, *welcomes* the steps already taken by the Board of Directors and the Secretariat of the Trust Fund in addressing the issues identified by the Independent Expert Review and the Independent Oversight Mechanism,³⁵ and *encourages* the Board and Secretariat to continue pursuing measures to improve the performance of the Fund and increase its efficiency and effectiveness in implementing its mandate and Strategic Plan, in accordance with the resolution on the review of the International Criminal Court and the Rome Statute system;³⁶
6. *Notes* the importance of frequently reconsidering the value of current activity, including any opportunities for redeployment,³⁷ and *recalls* that careful prioritization is an important principle of efficient and effective management and is key to achieving successful outcomes;
7. *Requests* the Court, in consultation with the Committee, to continue to develop its budgetary process, guided by the Registry, by:
 - (a) Further strengthening the "One-Court principle" by ensuring that the budget process and its underlying assumptions and objectives are based on coordinated and robust strategic planning and prioritization;
 - (b) Further enhancing dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage;
 - (c) Employing maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploying resources based on actual workload requirements;

³⁴ ICC-ASP/21/18, para. 57.

³⁵ ICC-ASP/20/14.

³⁶ Resolution ICC-ASP/20/Res.3.

³⁷ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 27.

(d) Continuing to explore ways to preserve the Court's long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties; and

(e) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhancing budget predictability;

8. *Requests* the Court, guided by the Registry, to develop an action plan to identify and implement measures to reduce avoidable costs incurred by each major programme, with concrete results to be presented to the twenty-third session of the Assembly of States Parties;

9. *Requests* the Court to continue submitting its annual report on activities and programme performance including, as appropriate, relevant information on the approved budget, expenditure and variance at the sub-programme level with all budget lines, as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

10. *Notes* the Court's technical assessment on the feasibility of and modalities for employing a medium-term rolling budget forecast based on existing budget assumptions, *further notes* the recommendation of the Committee at its thirty-ninth session,³⁸ the progress made by the Court and the comments of the Committee at its forty-first session,³⁹ and *requests* that the Court continue developing internal processes for a financial forecast system with a view to improving budgetary predictability and report to the Committee at its forty-fourth session;

11. *Welcomes* the monthly financial reports provided by the Court to States Parties, showing monthly figures on cash flow, balances of the General Fund, the Working Capital Fund and the Contingency Fund, the status of assessed contributions, and monthly and annual cash flow forecasts, and *emphasizes* the usefulness of these reports; and

12. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle.

M. Human Resources

The Assembly of States Parties,

1. *Requests* the Court, in its consideration of relevant Independent Expert Review recommendations, to be guided by the importance of ensuring flexibility in the management of its human resources, notably in reacting to evolving situations, needs and workload, within and between organs, including by, as appropriate, reviewing the relevant administrative instructions related, but not limited, to recruitments and mobility of staff;

2. *Underlines* the inherent value of multilingualism in promoting and preserving the diversity of languages and cultures and its contribution to efficiency, effectiveness and transparency in the activities of the Court, *calls for* greater emphasis to be placed on staff knowledge of the Court's official and working languages, as appropriate, and *recalls* the principles of equitable geographical representation and gender balance in the recruitment of staff;⁴⁰

3. *Invites* the Court to expand its training for staff sitting on recruitment panels to avoid any undue disadvantage or unconscious bias against applicants interviewed in a language other than their mother tongue, *requests* the Court to develop its language training policies to promote continuous improvement of the proficiency of staff in the official and working languages of the Court and other languages, as appropriate, including training for newly recruited staff proficient in only one of the working languages, and to consider ways to ensure adequate funding for this purpose;

4. *Invites* States Parties to positively consider making contributions to the Trust Fund for the Development of Interns and Visiting Professionals in order to allow applicants who are nationals from a country that is a State Party to the Rome Statute and appears on the United

³⁸ *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, para. 238.

³⁹ *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part B.2, paras. 5 to 7.

⁴⁰ Resolution ICC-ASP/20/Res.5, preambular paragraph 26, para. 88, paras. 122-131.

Nations Statistics Division's list of developing regions to gain transferable experience in a multicultural, international workplace, and to allow the Court to benefit from the input of interns and professionals; and

5. *Notes* the recommendation of the Committee⁴¹ that the Assembly approve the Court joining the International Civil Service Commission (ICSC) of the United Nations with a full membership, and that the Court absorb the related membership costs, and *requests* the Court to engage in negotiations with the ICSC on the applicable agreement, with the purpose of presenting a proposal to the Assembly for its consideration and adoption at its twenty-third session.

N. Referrals by the Security Council

The Assembly of States Parties,

Noting with concern that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council⁴² have been borne exclusively by States Parties,

Recalling that, pursuant to article 115 of the Rome Statute, expenses of the Court and the Assembly shall be provided, inter alia, by funds of the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council,

Mindful that, pursuant to article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, the conditions under which any funds may be provided to the Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements,

1. *Notes* the report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,⁴³ and *notes* that to date the approved budget allocated in relation to the referrals amounts to approximately €89.66 million, borne exclusively by States Parties;
2. *Encourages* States Parties to continue discussions on a possible way forward on this issue; and
3. *Invites* the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the twenty-third session of the Assembly.

O. Information Technology and Information Management Strategy

The Assembly of States Parties,

Recalling that the Five-Year Information Technology and Information Management Strategy launched in 2017 was completed at the end of 2022,

Bearing in mind the development of a new Information Technology and Information Management Strategy for 2023-2025,

1. *Takes note of* the recommendation of the Committee at its forty-second session⁴⁴ that the Court submit to the Committee, at its forty-fifth session, an update on the implementation of the new Strategy and IT lights-on costs.

P. Family visits for indigent detainees

The Assembly of States Parties,

Recalling resolutions ICC-ASP/8/Res. 4 and ICC-ASP/9/Res.4 on family visits for indigent detainees and the principle of funding such visits through voluntary donations into the Trust Fund for Family Visits,

⁴¹ *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part B.3, para. 295.

⁴² United Nations Security Council resolutions 1593 (2005) and 1970 (2011).

⁴³ ICC-ASP/22/19.

⁴⁴ *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part B.3, para. 284.

1. *Urges* States Parties, other States, non-governmental organizations, civil society and other entities to continue making immediate voluntary contributions to the Trust Fund for Family Visits and *calls on* other potential contributors to positively consider making contributions;
2. *Recalls* that the Trust Fund for Family Visits shall continue to be administered on a budget neutral basis; and
3. *Notes* that the recurrent inability of the Court to meet the qualifying needs for family visits for indigent detainees can lead to more onerous situations, financially and legally, and *decides* that the Court may, within existing resources, subsidize family visits for indigent detainees using its regular budget in the exceptional and unavoidable situations where the Trust Fund for Family Visits is depleted or its available resources are insufficient to do so, in a manner fully consistent with all applicable administrative and judicial criteria.

Q. Travel

The Assembly of States Parties,

Recalling its resolution ICC-ASP/3/Res.5,

Having considered the need to have a more effective and efficient utilization of resources for air travel and daily subsistence allowance,

1. *Decides* to adopt the following provisions on standards of accommodation for air travel and daily subsistence allowance, applicable as of 1 January 2024 to the officials of the Assembly of States Parties and members of its subsidiary bodies when travelling,⁴⁵ and requests the Court to align its standard operating procedures accordingly:

(a) The President of the Assembly of States Parties is entitled to travel on the class “immediately below 1st class”;

(b) All other officials shall be entitled to travel on economy class and, if over nine hours, shall be entitled to upgrade to economy comfort class seats or equivalent class if available;

(c) In respect of the President of the Assembly of States Parties, the daily subsistence allowance shall be calculated at the rate equivalent to “*Judges, Under-Secretary-General of the United Nations/Assistant Secretary-General of the United Nations level*”; and

(d) In respect of the officials referred to in subparagraph (b), the daily subsistence allowance shall be calculated at the rate equivalent to the “*Director level*”;

2. *Decides* that any existing provision inconsistent with paragraph 1 is superseded by this resolution, and *requests* the Bureau to propose any necessary amendments to the existing legal framework for consideration by the Assembly, well in advance of its twenty-third session; and

3. *Requests* the Court:

(a) to examine its budgeting projections and assumptions with regard to travel expenditures, with a view to providing the most accurate representation of travel costs to be incurred during the year;

(b) with respect to the existing booking system, to undertake a review in order to achieve, in principle, the most competitive rates reflecting market prices;

(c) to examine its ticketing practices with a view to improve cost effectiveness;

and to submit a report to the Bureau on this matter by 30 April 2024 for consideration by the Assembly at its twenty-third session.

⁴⁵ This includes the President and Vice-Presidents of the Assembly of States Parties, the members of the Committee on Budget and Finance, the Audit Committee, the Board of Directors of the Trust Fund for Victims and the Advisory Committee on Nominations of Judges, as well as the members of any other subsidiary body which the Assembly may decide to establish.

Resolution ICC-ASP/22/Res.5

Adopted at the 10th plenary meeting, on 14 December 2023, by consensus

ICC-ASP/22/Res.5 Resolution on cooperation

The Assembly of States Parties,

Recalling the provisions of the Rome Statute, the Declaration on Cooperation (RC/Dec.2) agreed by States Parties at the Review Conference in Kampala and previous resolutions and declarations of the Assembly of States Parties with regard to cooperation, including ICC-ASP/8/Res.2, ICC-ASP/9/Res.3, ICC-ASP/10/Res.2, ICC-ASP/11/Res.5, ICC-ASP/12/Res.3, ICC-ASP/13/Res.3, ICC-ASP/14/Res.3, ICC-ASP/15/Res.3, ICC-ASP/16/Res.2, ICC-ASP/17/Res.3, ICC-ASP-18/Res.3, ICC-ASP-19/Res.2, ICC-ASP-20/Res.2, ICC-ASP-21/Res.3 and the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2,

Determined to put an end to impunity by holding to account the perpetrators of the most serious crimes of concern to the international community as a whole, and reaffirming that the effective and expeditious prosecution of such crimes must be strengthened, inter alia, by enhancing international cooperation,

Stressing the importance of effective and comprehensive cooperation and assistance by States Parties, other States, and international and regional organizations, to enable the Court to fulfil its mandate as set out in the Rome Statute and that States Parties have a general obligation to cooperate fully with the Court in its investigation and prosecution of crimes within its jurisdiction, including with regard to the execution of arrest warrants and surrender requests, as well as other forms of cooperation set out in article 93 of the Rome Statute,

Welcoming the report of the Court on cooperation,¹ submitted pursuant to paragraph 38 of resolution ICC-ASP/21/Res.3,

Noting that contacts with persons in respect of whom an arrest warrant issued by the Court is outstanding should be avoided when such contacts undermine the objectives of the Rome Statute,

Noting further the arrest guidelines issued by the Office of the Prosecutor for the consideration of States, including inter alia, the elimination of non-essential contacts with individuals subject to an arrest warrant issued by the Court and that, when contacts are necessary, an attempt is first made to interact with individuals not subject to an arrest warrant,

Recognizing that such contacts may be deemed essential by the State Party,

Noting the guidelines setting out the policy of the United Nations Secretariat on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses issued by the Court, as annexed to a letter dated 3 April 2013 by the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council,

Recognizing that requests for cooperation and the implementation thereof should take into account the rights of the accused,

Commending international and regional organizations' support for strengthening cooperation in the area of voluntary agreements,

Recalling the pledges relating to cooperation made by States Parties at the Review Conference in Kampala and noting the importance of ensuring adequate follow-up with regard to the implementation of pledges,

¹ ICC-ASP/22/24.

Taking note of the “Independent Expert Review of the International Criminal Court and the Rome Statute System, Final Report”,² dated 30 September 2020, prepared by the Independent Experts,

Taking note also of the resolution on Review of the International Criminal Court and the Rome Statute system³ requesting “the relevant Assembly mandates designated as responsible for assessing and taking possible further action as appropriate on relevant recommendations to continue with the assessment and, where appropriate, implementation in 2024 and to submit to the Bureau the outcome of its consideration”,

Deeply concerned by the current security risks faced by the Court, including coercive measures taken against Court officials, the recent major cyber security breach, and ongoing attempts to undermine the Court’s cybersecurity, and *reiterating* the unwavering support of the States Parties for the Court, including through continuing to provide full and timely cooperation to the Court,

1. *Emphasizes* the importance of timely and effective cooperation and assistance from States Parties and other States under an obligation or encouraged to cooperate fully with the Court pursuant to Part 9 of the Rome Statute or a United Nations Security Council resolution, as the failure to provide such cooperation in the context of judicial proceedings affects the efficiency of the Court, and *stresses* that the non-execution of cooperation requests has a negative impact on the ability of the Court to execute its mandate, in particular when it concerns the arrest and surrender of individuals subject to arrest warrants;

Execution of arrest warrants

2. *Expresses* serious concerns that arrest warrants or surrender requests against 16 individuals remain outstanding and urges States to cooperate fully in accordance with their obligation to arrest and surrender to the Court;

3. *Recalls* that international cooperation and judicial assistance are governed by Part 9 (articles 86-102) of the Rome Statute;

4. *Notes* the common efforts of the Office of the Prosecutor and the Registry to devise and implement common strategies and missions to foster the arrest of suspects within the inter-organ working group on arrest strategies created in March 2016;

5. *Reaffirms* that concrete steps and measures to secure arrests need to be considered in a structured and systematic manner, based on the experience developed in national systems, the international ad hoc and mixed tribunals, as well as by the Court, regarding both tracking efforts and operational support;

6. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants;

7. *Urges* States Parties to avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party, *welcomes* the efforts of States and international and regional organizations in this regard, and *acknowledges* that States Parties may, on a voluntary basis, advise the Court of their own contacts with persons subject to a warrant of arrest made as a result of such an assessment;

Implementation legislation of the Rome Statute

8. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, in particular through implementing legislation and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such legislative and other measures, and to set up effective procedures and structures so as to ensure that they can fully meet their obligations under the Rome Statute regarding cooperation and judicial assistance;

² ICC-ASP/19/16.

³ ICC-ASP/21/Res.4.

9. *Acknowledges* efforts by States, by civil society organizations and by the Court, including through the Legal Tools Project, to facilitate exchange of information and experiences, with a view to raising awareness and facilitating the drafting of national implementing legislation and *underlines* the need to further exchange experience and best practices between States Parties;

Informal consultations and establishment of focal points

10. *Encourages* States to establish a national focal point and/or a national central authority or working group tasked with the coordination and mainstreaming of Court-related issues, including requests for assistance, within and across government institutions, as part of efforts aimed at making national procedures for cooperation more efficient, where appropriate;

11. *Recalls* the report to the thirteenth session of the Assembly on the feasibility study of establishing a coordinating mechanism of national authorities,⁴ and *encourages* States Parties to continue the discussion;

12. *Emphasizes* the on-going efforts made by the Court in providing focused requests for cooperation and assistance which contribute to enhancing the capacity of States Parties and other States to respond expeditiously to requests from the Court, *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance and *invites* States to consider offering consultations and facilitating meetings between the Court organs formulating the requests and the competent national authorities ultimately in charge of executing them with a view to finding solutions together on ways to assist or transmit the information sought and, when appropriate, to follow up on execution of requests and discuss on the most efficient way forward;

Financial investigations and freezing of assets

13. *Recognizes* that effective and expeditious cooperation with regard to the Court's requests for the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crime is crucial to the provision of reparations to victims and for potentially addressing the costs of legal aid;

14. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitating cooperation between the Court, States Parties, other States and international organizations;

15. *Recalls* the importance of the non-legally binding Paris Declaration on asset recovery, annexed to resolution ICC-ASP/16/Res.2;

16. *Welcomes* the development of the digital platform to reinforce the exchange of relevant information between States Parties to encourage inter-State cooperation and to strengthen States' capacity to cooperate with the Court; to identify the practical challenges to the effective execution of the Court's requests for cooperation and to further raise awareness of the Court's mandate and requirements for financial investigations and asset recovery, and *decides* to continue the work with the Court and the Secretariat of the Assembly in order to enhance the platform further in 2024;

17. *Underlines* the importance of the Court's network of operational focal points in States Parties to enhance cooperation with the Court regarding financial investigations, tracing and freezing of assets, *encourages* the Court to continue this work in order to pursue the activities of this network and *encourages* States Parties to support the functioning of that network;

⁴ Report of the Bureau on cooperation, ICC-ASP/13/29, annex II and appendix.

Cooperation with the Defence

18. *Urges* States Parties to cooperate with requests of the Court made in the interest of Defence teams, in order to ensure the fairness of proceedings before the Court;

Agreement on the Privileges and Immunities of the International Criminal Court

19. *Calls upon* States Parties as well as non-States Parties that have not yet done so to become parties to the Agreement on Privileges and Immunities of the International Criminal Court as a matter of priority, and to incorporate it in their national legislation, as appropriate;

Voluntary cooperation

20. *Acknowledges* the importance of protective measures for victims and witnesses for the execution of the Court's mandate, *welcomes* the new Enforcement of sentences and Final release agreements concluded since the last resolution on cooperation,⁵ and *stresses* the need for more enforcement of sentences and final and interim release agreements or arrangements with the Court for the expeditious enforcement of sentences for convicted accused and interim release of accused;

21. *Calls upon* all States Parties and other States to consider strengthening their cooperation with the Court by entering into agreements or arrangements with the Court, or any other means concerning, inter alia, protective measures for victims and witnesses, their families and others who are at risk on account of testimony given by witnesses;

22. *Acknowledges* that, when relocation of witnesses and their families proves necessary, due account should be given to finding solutions that, while fulfilling the strict safety requirements, also minimize the humanitarian costs of geographical distance and change of linguistic and cultural environment and *urges* all States Parties to consider making voluntary contributions to the Special Fund for Relocations;

23. *Emphasizes* that the need for cooperation with the Court on the enforcement of sentences and on interim and final release is likely to increase in the coming years as more cases proceed toward conclusion, *recalls* the principle enshrined in the Rome Statute that States Parties should share the responsibility for enforcing sentences of imprisonment and for the interim and final release, in accordance with principles of equitable distribution, and *calls upon* States Parties to actively consider the conclusion of agreements with the Court to this end;

24. *Commends and further encourages* the work of the Court on framework agreements or arrangements, or any other means in areas such as interim release, final release - also in cases of acquittal - and sentence enforcement which may be essential to ensuring the rights of suspects and accused persons, in accordance with Rome Statute, and guaranteeing the rights of convicted persons and *urges* all States Parties to consider strengthening cooperation in these areas;

25. *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 twenty-third session;

Cooperation with the United Nations

26. *Welcomes and further encourages* the increased cooperation between the Court and the United Nations, and other international and regional organizations, relevant mechanisms for collecting and preserving evidence, and other inter-governmental institutions with a view to fostering the prosecution of crimes falling within the jurisdiction of the Court;

27. *Urges* States Parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council refers situations

⁵ ICC-ASP/21/Res.3.

to the Court, ensuring diplomatic and financial support, cooperation by all United Nations Member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions;

Diplomatic support

28. *Emphasizes* the importance of States Parties enhancing and mainstreaming diplomatic, political and other forms of support for, as well as promoting greater awareness and understanding of the activities of the Court at the international level, and *encourages* States Parties to use their capacity as members of international and regional organizations to that end;

29. *Encourages* all States Parties to continue to strongly demonstrate their diplomatic and political support for the Court, undeterred by any threats or measures against the Court, and to provide full support to the Court so that it can continue to operate effectively in the current enhanced threat environment;

Promoting dialogue with all stakeholders

30. *Welcomes* the work undertaken on the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,⁶ and *recalls* the flyer prepared by the Court that can be used by all stakeholders to promote the 66 recommendations and increase their understanding and implementation by relevant national actors and the Court;

31. *Takes note* of the Bureau's Report on cooperation,⁷ covering inter alia, the follow up to the Paris Declaration on financial investigations and asset recovery and the work on a secured digital platform on cooperation; considerations on the Court's relationship with the United Nations; and proposals concerning the follow-up action regarding cooperation issues identified in the framework of the review and strengthening process of the Court and the Rome Statute System, and priority areas for 2024;

32. *Requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States and relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;

33. *Encourages* the Bureau, through its working groups to continue its review of the implementation of the 66 recommendations, in close cooperation with the Court, where appropriate;

34. *Requests* the Bureau, through the facilitation on cooperation, in accordance with the resolution on the Review of the International Criminal Court⁸ and the Review Mechanism's Comprehensive Action Plan,⁹ to continue to review the implementation of the recommendations related to cooperation as appropriate, and to report thereon to the Assembly at its twenty third session;

35. *Also requests* the Bureau, through the facilitation on cooperation, to continue to address a number of issues that have been priorities in recent years, and as a matter of priority: to continue the work to further develop the content of the Secured Platform on Cooperation; to hold consultations on the advisability of developing regional thematic focal points on cooperation, of creating a permanent structure for a network of national practitioners and focal points on cooperation, and on the deepening of the relationship between the United Nations and its agencies and entities, including for capacity-building purposes in order to foster cooperation with the Court;

⁶ Resolution ICC-ASP/6/Res.2, annex II.

⁷ ICC-ASP/22/27.

⁸ ICC-ASP/21/Res.4.

⁹ [https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive Action Plan-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf).

36. *Encourages* the Bureau to identify issues for the Assembly to continue holding plenary discussions on specific topics related to cooperation, including on the issue of financial investigations and arrests;

37. *Recognizes* the importance of ensuring a safe environment for strengthening and fostering cooperation between civil society and the Court and of taking all necessary action to address threats and intimidation directed at civil society organizations;

38. *Welcomes* the plenary session on cooperation held during the twenty-second session of the Assembly of States Parties which offered an opportunity for a reflection between States Parties, the Court and members of civil society on 25 years of cooperation, as well as a more technical discussion regarding the issue of arrests; and

39. *Recognizes* the importance of the Court's contribution to the Assembly's efforts to enhance cooperation, *welcomes* the Court's report on cooperation,¹⁰ which contained disaggregated data of the responses provided by States Parties, including highlighting the main challenges, and *requests* the Court to submit an updated report on cooperation to the Assembly at its twenty-third session.

¹⁰ ICC-ASP/22/24.

Resolution ICC-ASP/22/Res.6

Adopted at the 10th plenary meeting, on 14 December 2023, by consensus

ICC-ASP/22/Res.6

Review of the International Criminal Court and the Rome Statute system

The Assembly of States Parties,

Recognizing the Court's central role and achievements in the fight against impunity at the international level, as the only permanent International Criminal Court, based on the principle of complementarity,

Reiterating the need for continuous improvement in the performance, efficiency and effectiveness of the Court's operations and welcoming the Court's efforts in this respect,

Recalling its resolutions ICC-ASP/18/Res.7 of 6 December 2019, ICC-ASP/19/Res.7 of 18 December 2020, ICC-ASP/20/Res.3 of 9 December 2021, and ICC-ASP/21/Res.4 of 9 December 2022, and *reiterating* its commitment to a transparent, inclusive State-Party driven process for identifying and implementing measures to strengthen the Court and improve its performance, and *underlining* that, for such a process to be successful, it must involve all States Parties, the Court and other relevant stakeholders,

Welcoming the willingness of the Independent Experts to assist with the review process in providing additional background information on their findings and recommendations, as appropriate and feasible,

Taking note of the continued active consideration by the Court or in the Bureau working groups, facilitations and other forums (hereinafter "Assembly mandates" or "mandate holders") of the issues identified by the Group of Independent Experts, with the participation of and input from other stakeholders, *emphasizing* that such work should continue with a focus on implementation, as appropriate,

Welcoming the engagement of the Court and its focal points in the planning, coordinating, monitoring, and reporting on the assessment and implementation of the recommendations that were positively assessed or positively assessed with modifications, contained in the Report of the Group of Independent Experts,

Stressing the statutory mandates of the organs of the Court and of the Assembly of States Parties and *noting* with appreciation that these independent mandates informed the assessment of the recommendations of the Group of Independent Experts and possible further action, as appropriate, by the Court, the Assembly, or both depending on the nature and purpose of the individual recommendations, and the entity identified as responsible for implementation,

Encouraging the continued engagement of States Parties, the Court and other relevant stakeholders in an efficient and results oriented manner in the review process,

Acknowledging the importance of the Bureau's decision of 31 May 2021 that welcomed the efforts of the Review Mechanism to be inclusive and transparent in the exercise of its mandate within this State Party-driven process, as well as its reassurance that States Parties will be involved in the discussions on assessment and implementation of recommendations, regardless of whether they have been allocated to the Court or to the Assembly, with respect for existing mandates as well as judicial and prosecutorial independence; and decided to adopt the "Categorization of recommendations and remaining issues", dated 30 April 2021, submitted by the Review Mechanism in accordance with paragraph 4 (a) of Assembly resolution ICC-ASP/19/Res.7,

Commending the Review Mechanism on the significant progress towards the completion of its mandate as established by resolution ICC-ASP/19/Res.7, and equally welcoming the inclusive and transparent discussions on the future of the review process and the Review Mechanism,

1. *Welcomes again* the report and recommendations of the Independent Expert Review contained in the document titled “Independent Expert Review of the International Criminal Court and the Rome Statute System - Final Report”,¹ dated 30 September 2020, and *takes note* of the diverse, thorough and extensive nature of the Experts’ recommendations and the need to address them in a structured, holistic and results-oriented way, and of annex I of the final report identifying a number of proposed priorities;
2. *Also welcomes* the work of the Court, the Review Mechanism, the Bureau working groups, and Assembly mandate-holders on the review process and *takes note with appreciation* of the significant progress that has been achieved in assessing and taking further action on the recommendations of the Independent Experts, and *resolves* to spare no effort in advancing this work further in line with the Comprehensive Action Plan;²
3. *Takes note* once more of the overall response of the Court³ to the report of the Independent Expert Review submitted pursuant to resolution ICC-ASP/19/Res.7;
4. *Underlines* the need to continuously observe and safeguard the judicial and prosecutorial independence of the Court and the integrity of the Rome Statute throughout the review process as well as the need to ensure proper management oversight, good governance and administrative accountability throughout the prosecutorial and judicial activities, and to continuously take into account the mandate identified by the Independent Experts for each of the recommendations in the review process;
5. *Decides* to extend, for an additional year, to the twenty-third session of the Assembly, the mandate of the Review Mechanism established by resolution ICC-ASP/19/Res.7 under the auspices of the Assembly, led by two State Party Representatives and supported by three *ad country* focal points, dedicated to planning, coordinating, keeping track and regularly reporting to the Assembly Presidency and the Bureau on the implementation of the recommendations contained in the Report of the Group of Independent Experts, 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. In the event of a vacancy, the Bureau shall, without delay, appoint a member of the Review Mechanism, in the same manner as set out in resolution ICC-ASP/19/Res.7, paragraph 4;
6. The Review Mechanism shall specifically continue to monitor further action and implementation, as appropriate, of the recommendations that have been positively assessed or assessed positively with modifications;
7. *Welcomes again* the Bureau’s adoption of the categorization of recommendations⁴ and the Comprehensive action plan⁵ referred to in operative paragraph 4 of resolution ICC-ASP/19/Res.7, based on the proposals of the Review Mechanism;
8. *Requests* the relevant Assembly mandates designated as responsible for assessing and taking possible further action, as appropriate, on relevant recommendations to continue with the assessment, where necessary, to oversee implementation of the recommendations in 2024 and to submit to the Bureau the outcome of their consideration, including on action already taken and proposals for next steps, by 15 November 2024;
11. *Requests* the Court through its focal points to provide regular updates to the Review Mechanism on progress achieved, including on any impediments to progress identified, to evaluate the progress in the implementation of the recommendations of the Group of Independent Experts, and to report to the Assembly ahead of its twenty-third session;
12. *Requests* the Review Mechanism, in close coordination with the Court focal points and relevant Assembly mandates, to provide regular updates to all States Parties through the Bureau working groups, on the review process including on any impediments to progress identified, to brief the Assembly in writing on the overall progress of its work, before 30 June 2024, and to submit a comprehensive report on the review process to the Assembly well in advance of its twenty-third session on:

¹ https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf

² https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf

³ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/Overall%20Response%20of%20the%20ICC%20to%20the%20IER%20Final%20Report%20-%20ENG%20-%202014April21.pdf

⁴ https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf

⁵ https://asp.icc-cpi.int/EN_Menus/asp/review-court/pages/action-plan.aspx

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- a) Progress in the implementation of the recommendations of the Independent Experts and measures for the implementation of the review process;
 - b) Progress in the work of the relevant Assembly mandates on the issues referenced in resolution ICC-ASP/18/Res.7, paragraphs 18 and 19; and
 - c) Any other progress in the review process;

13. *Invites* the Secretariat of the Assembly of States Parties to assist the work of the Review Mechanism and *requests* the Bureau to invite the Registrar to consider making available to the Secretariat the necessary additional resources, to support the Review Mechanism, on its request, and within the existing budget, only when the Bureau is satisfied that the work of the Review Mechanism so requires; and

14. *Underlines* that the Review Mechanism shall work in an inclusive and transparent manner, consulting regularly with all States Parties, the three organs of the Court, civil society and other relevant stakeholders.

Resolution ICC-ASP/22/Res.7

Adopted at the 10th plenary meeting, on 14 December 2023, by consensus

ICC-ASP/22/Res.7

Resolution of the Assembly of States Parties regarding the implementation of the tenure policy

The Assembly of States Parties,

Taking note of recommendation R105 (Tenure),¹ which provides that “[i]n order to encourage fresh thinking and bring more dynamism to the Court, a system of tenure should be adopted by the Court, applicable to all positions of P5 and above. The system should stipulate a maximum tenure in position of these levels of somewhere between five and nine years, and should admit, few, if any exceptions. For reasons of procedural fairness, the limitations should not be applied to those occupying these positions currently and would only apply to those newly appointed to the positions. Nonetheless, long serving officers of P5 or director level might be encouraged to retire early to allow the new system to be established as quickly as possible”,²

Recalling that, at its twenty first session,³ the Assembly endorsed the positive assessment of recommendation R105 (Tenure) for which the Review Mechanism served as platform for assessment, and invited the Court through the Registry, in close consultation with the Bureau, to develop a detailed proposal for a tenure policy, addressing also the financial implications, for its introduction as of 1 January 2024 for approval by the Assembly at its twenty-second session,

Noting that, on 14 February 2023,⁴ the Registrar presented to the Bureau the Court’s detailed proposal for a tenure policy (“Court’s Proposal”) and *welcoming* the Registrar’s presentation to The Hague Working Group and the New York Working Group of the detailed proposal at their respective meetings on 22 February 2023 and 24 February 2023,

Noting also the 10 March 2023 decision of the Bureau⁵ that the Court should “immediately begin the internal work needed in order to implement the tenure policy. The Court should also brief the Bureau and States on its progress, as appropriate. [...]”,

Taking note of the work undertaken by the Court to implement the Court’s proposal, notably with respect to the amendments to the Staff Regulations and Rules,

Stressing the importance of implementing a tenure policy as of 1 January 2025 and of having a facilitation to that end,

Noting the benefit of a continued review of the tenure policy over time, after its implementation on 1 January 2025,

1. *Decides* to implement a tenure policy as of 1 January 2025;
2. *Also decides* to consider further the Court’s proposal on how to implement the tenure policy within the timeframe referred to in paragraph 1; and
3. *Requests* the Review Mechanism to facilitate the work referred to in paragraph 2 in 2024, and to report thereon to the Assembly in advance of its twenty-third session.

¹ Independent Expert Review of the International Criminal Court and the Rome Statute System, Final Report - 30 September 2020 (ICC-ASP/19/16).

² *Ibid.*, para. 253.

³ ICC-ASP/21/Res.4, para. 9.

⁴ https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau2-Agenda-Decisions.pdf.

⁵ https://asp.icc-cpi.int/sites/default/files/asp_docs/Bureau3-Agenda-Decisions.pdf.pdf.

Resolution ICC-ASP/22/Res.8

Adopted at the 10th plenary meeting, on 14 December 2023, by consensus

ICC-ASP/22/Res.8

Resolution on the election of Members to the Committee on Budget and Finance of the International Criminal Court

The Assembly of States Parties

Recalling the relevant provisions of the resolution of the Assembly of States Parties to the Rome Statute of the International Criminal Court on the establishment of the Committee on Budget and Finance (ICC-ASP/1/Res.4, annex I, as amended by ICC-ASP/2/Res.5 and ICC-ASP/4/Res.6) and on the procedure for the nomination and election of members of the Committee on Budget and Finance (ICC-ASP/1/Res.5, as amended by ICC-ASP/2/Res.4),

Recalling further the decision of the Assembly of States Parties (ICC-ASP/21/Dec.1) in which it requested the Bureau, in consultation with all States Parties, to discuss the allocation of seats on the Committee on Budget and Finance and to submit a report on its discussions by the twenty-second session of the Assembly,

Recalling also that every effort shall be made to elect the members of the Committee by consensus, on the basis of a recommendation by the Bureau, and in making its recommendation, the Bureau shall consult the regional groups,

Bearing in mind that the members of the Committee shall be nominated on the basis of equitable geographical distribution, that they shall be experts of recognized standing and experience in financial matters at the international level from States Parties, and that they shall meet the requirements of the Rules of the Procedure of the Committee on Budget and Finance¹ on the question of potential conflicts of interest,

Encouraging States Parties to nominate qualified women candidates with a view to maintaining gender balance in the Committee,

1. *Decides* to increase the total number of seats in the Committee to seventeen seats;
2. *Decides* to distribute the seats among the five regional groups in the following manner:
 - African States, four seats;
 - Asia-Pacific States, three seats;
 - Eastern European States, three seats;
 - Group of Latin American and Caribbean States, three seats; and
 - Western European and Other States, four seats;
3. *Decides* that the election of the new five members should be held during the twenty-third session of the Assembly for a term of three years; and
4. *Decides* that the members of the Committee, both current and new, may be re-elected for no more than two further terms of three years.

¹ ICC-ASP/18/Res.1, annex.

Annexes

Annex I

Report of the Credentials Committee

Chairperson: Ambassador Jane Gasu Aheto (Ghana)

1. At its first and sixth plenary meetings, on 4 and 6 December 2023 respectively, the Assembly of States Parties to the Rome Statute of the International Criminal Court (“the Assembly”), in accordance with rule 25 of the Rules of Procedure of the Assembly, appointed a Credentials Committee for its twenty-second session, consisting of the following States Parties: Argentina, Bulgaria, Czech Republic, Finland, Ghana, Mexico, (the Kingdom of) The Netherlands, United Republic of Tanzania, and (Bolivarian Republic of) Venezuela.
2. The Credentials Committee held two meetings, on 4 and 13 December 2023.
3. The Credentials Committee had before it a regularly updated memorandum by the Secretariat concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the twenty-second session of the Assembly of States Parties.
4. Formal credentials of representatives to the twenty-second session of the Assembly, in the form required by rule 24 of the Rules of Procedure, had been received as at 13 December 2023 from the following eighty-six (86) States Parties: Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Central African Republic, Chile, Colombia, Cook Islands, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Maldives, Mexico, Republic of Moldova, Mongolia, Montenegro, Namibia, Netherlands (Kingdom of the), New Zealand, Nigeria, North Macedonia, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland, United Republic of Tanzania, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).
5. Information concerning the appointment of the representatives of States Parties to the twenty-second session of the Assembly had been communicated to the Secretariat, as at 13 December 2023, by means of a cable, telefax or other electronic communication from the Head of State or Government or the Minister for Foreign Affairs, by the following twenty-seven (26) States Parties: Afghanistan, Bangladesh, Belize, Botswana, Cabo Verde, Canada, Chad, Congo, Democratic Republic of the Congo, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Malawi, Marshall Islands, Mauritius, Panama, Saint Kitts and Nevis, Saint Lucia, Seychelles, Suriname, Uganda, Vanuatu, Zambia.
6. On the recommendation of the Chairperson, the Committee accepted the credentials of the representatives of all States Parties mentioned in the present report, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretariat as soon as possible.
7. On the proposal of the Chairperson, the Committee adopted the following draft resolution without a vote:

“The Credentials Committee,

Having examined the credentials of the representatives to the twenty-second session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, referred to in paragraphs 4 and 5 of the present report;

Accepts the credentials of the representatives of the States Parties concerned.”

8. The Chairperson then proposed that the Committee recommend to the Assembly the adoption of a draft resolution (see paragraph 10 below). The proposal was adopted without a vote.
9. In the light of the foregoing, the present report is submitted to the Assembly.

Recommendation of the Credentials Committee

10. The Credentials Committee recommends to the Assembly the adoption of the following draft resolution:

“Credentials of representatives to the twenty-second session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Having considered the report of the Credentials Committee on the credentials of representatives to the twenty-second session of the Assembly and the recommendation contained therein,

Approves the report of the Credentials Committee.”

Annex II

Oral report on the activities of the Bureau, presented by the President of the Assembly at the 1st plenary meeting of the twenty-second session of the Assembly, on 4 December 2023

1. As the President of the Assembly, I have the honour to report to the Assembly of States Parties on the activities carried out by its Bureau during the intersessional period (2022-2023).
2. I wish to express my sincere gratitude for the work carried out by the two Vice-Presidents of the Assembly, Ambassador Kateřina Sequensová (Czech Republic) and Ambassador Robert Rae (Canada), in support of the work of the Bureau and as the Coordinators of The Hague Working Group and the New York Working Group, respectively. They were always available for consultations and made a significant and valuable contribution to the work of the Assembly.
3. I also wish to recognize with gratitude the great support provided by the Secretariat to the work of the Presidency, the Bureau and its working groups, and all mandate-holders in New York and The Hague.

I. Organization of work

A. Meetings and mandates

4. During the intersessional period, the Bureau has held eleven meetings to assist the Assembly in the discharge of its responsibilities under the Rome Statute.
5. The Bureau assigned the mandates decided by the twenty-first session of the Assembly to its working groups, and appointed facilitators and focal points for 2023.¹ The Bureau deeply appreciates their work during the intersessional period in successfully carrying out the mandates of the Assembly.

B. Working methods

6. The meetings of the Bureau have been held virtually, via the Zoom platform, which has allowed for the participation of Bureau members in The Hague, New York and capitals. The meetings have benefited from interpretation in three official languages of the Assembly – English, French and Spanish.
7. In close coordination with the Secretariat, I provided, in February, the tentative schedule of Bureau meetings, which have been held, in principle, on the first Wednesday of each month, at a time which has allowed for the participation of The Hague and New York-based Bureau members.
8. The working groups of the Bureau, facilitations and focal points met both in-person and virtually, via the WebEx or Zoom platforms, depending on the needs and requests of the respective groups, and occasionally in joint meetings of the working groups. The meetings of the Review Mechanism were all virtual in 2023, in keeping with its efforts to ensure a transparent, inclusive, State Party-driven process, in which States Parties, the Court and all stakeholders could participate. Its meetings also benefited from interpretation in the working languages of the Court, in order to ensure as broad participation as possible, except on the rare occasion where this was not possible.
9. Pursuant to the “Understanding on the participation of Observer States in meetings of the Assembly”, which was adopted by a Bureau decision of 18 October 2017, the Bureau took note, at its eleventh meeting, on 30 November 2023, of a list of meetings of the Assembly and its subsidiary bodies with general membership which had been held in private in 2023.

¹ Appendix.

C. Secretariat of the Assembly

10. Throughout the year, the Secretariat of the Assembly of States Parties has continued to carry out its mandate in assisting the Assembly and its subsidiary bodies, both in The Hague and New York, in accordance with resolution ICC-ASP/2/Res.3.

11. The Assembly, through its Bureau, assisted by the Secretariat, has engaged in dialogue with the Court on an increasing number of issues, some of them very complex, which has led to a greater appreciation of the respective responsibilities.

12. The Secretariat continued to support the collection of information on the promotion of universality and the full implementation of the Rome Statute. As at 3 November 2023, the Secretariat had received no responses to the questionnaire concerning the Plan of action for achieving universality and full implementation of the Rome Statute in 2023.

13. The Secretariat continued to carry out its outreach, information-sharing and facilitating function via the “Complementarity Platform for technical assistance”, which aims at facilitating links between States Parties requesting technical assistance and actors in a position to assist national jurisdictions in their efforts to strengthen capacity to investigate or prosecute Rome Statute crimes. The Secretariat received two official requests for technical assistance from two States Parties, on 1 and 6 June 2023, respectively. The Secretariat commenced consultations with the Court and other potential stakeholders to facilitate technical assistance to these States Parties.

14. Further to the year-long assessment of the Secretariat which the Bureau conducted in 2018, the Secretariat has continued to implement the measures foreseen in the respective Bureau report.²

15. Pursuant to paragraph 12 of resolution ICC-ASP/21/Res.4 concerning the review of the Court and the Rome Statute system, the Secretariat has continued to support the work of the Review Mechanism throughout 2023. This represented a considerable increase in the number and complexity of meetings.

16. The virtual format of many meetings continued to pose challenges for the Secretariat of the Assembly including, *inter alia*, the scheduling of meetings across multiple time zones, the additional testing of platforms prior to meetings, and finding solutions for the provision of interpretation.

D. Independent Oversight Mechanism

17. In accordance with the mandate of the Assembly, the Independent Oversight Mechanism (IOM) submitted the “Annual report of the Head of the Independent Oversight Mechanism to the Assembly”.³ The IOM provided invaluable assistance to the design and implementation of the due diligence process adopted by the Bureau for candidates for judges in 2023, and its advice was essential to the discussions on the establishment of a permanent due diligence process for candidates for elected officials of the Court.

18. On 10 May 2023, the Bureau requested the IOM to conduct an evaluation of the Secretariat of the Assembly, focusing on issues of governance, resources, effectiveness, streamlining of functions and geographical representation. The Head of the IOM will present Terms of Reference to the Bureau for this evaluation, which will be undertaken with the assistance of an external consultant in 2024.

II. Strengthening the Rome Statute system

E. Review of the International Criminal Court and the Rome Statute system

19. The Review Mechanism continued its mandate concerning the assessment of the Independent Expert Review (IER) recommendations, and made significant progress in the assessment of the remaining recommendations in 2023, as well as an overview of the

² ICC-ASP/17/39.

³ ICC-ASP/22/21.

implementation of those recommendations that had been positively assessed, or positively assessed with modifications. I wish to recognize the key role played by the State Party representatives and the *ad country* focal points of the Review Mechanism, as well as the important work done by the Assembly mandate-holders in support of the Review Mechanism. They have all contributed to significantly advancing the work of the Assembly on the IER recommendations, and I welcome the fact that many of the recommendations have either already been implemented, or are in the process of being implemented.

20. I wish to express my gratitude to the IER experts for their willingness to continue to assist the process by participating in the meetings, in order to provide background and information on their thinking in relation to the recommendations under consideration. Their helpful presence was welcomed by States Parties and other participants.

21. At the twenty-first session, the Review Mechanism launched a discussion on the “Future of the Review Mechanism”, which has continued in 2023. One of the State Party representatives participated in the panel discussion during the commemoration of the twenty-fifth anniversary of the adoption of the Rome Statute on 17 July 2023 in New York, on “Strengthening the Rome Statute system: The Review Mechanism and beyond.” The Review Mechanism has prepared a paper titled “Future of the Review Mechanism”, which sets out some possible options for the future work on the IER recommendations. On 13 December, a plenary panel discussion will be held on this topic. I encourage States Parties and, indeed, all stakeholders, to participate in that discussion, as we seek to ensure that all pending issues are addressed in an appropriate way. I very much look forward to the outcome of the discussions.

F. Election of six judges to the Court

22. At this session, the Assembly will elect six new judges of the International Criminal Court. I wish to acknowledge the crucial work done by the Advisory Committee on Nominations of judges (“Advisory Committee”) to contribute to the election of the highest-qualified individuals as judges of the Court. The Advisory Committee held its ninth session from 3 to 14 July 2023, during which it interviewed 14 candidates for election at the twenty-second session of the Assembly, in-person, at the premises of the Court. The Advisory Committee prepared a thorough and detailed report, of a technical character, that includes a qualitative evaluation, information and analysis on the suitability of each of the candidates.

23. In its report, the Advisory Committee recalled resolution ICC-ASP/18/Res.4, in which the Assembly had itself encouraged States Parties “to continue according utmost respect to the evaluation of candidates by the Advisory Committee on Nominations of Judges, and to refrain from casting their votes in an inconsistent way with this evaluation to the extent possible as well as from the trading of votes”.

24. By resolution ICC-ASP/21/Res.2, the Assembly requested the Bureau to establish a due diligence process for candidates for judges to be elected in 2023, the terms of reference of which were to be established by the Bureau on the basis of a proposal developed by the IOM in consultation with the Advisory Committee. On 28 February 2023, the Bureau adopted the due diligence process for candidates for 2023 judicial candidates,⁴ which benefitted from the experience garnered from the two previous ad hoc due diligence processes adopted for the elections of the Deputy Prosecutors⁵ and Registrar⁶ of the Court, respectively.

25. The Assembly amended its resolution on the procedure for the nomination and election of judges⁷ to include a request to the Bureau to facilitate public roundtable discussions to be held with all candidates following their assessment by the Advisory Committee, and as early as possible prior to elections. Further to the mandate of the Assembly, the modalities for the roundtable discussions were determined by the New York Working Group, which had particular regard to aspects of the assessments of the candidates

⁴ See agenda and decisions of the third meeting of the Bureau (10 March 2023), annex, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/Bureau3-Agenda-Decisions.pdf.pdf.

⁵ See agenda and decisions of the fifth meeting of the Bureau (7 July 2021), annex, available at: https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP20/Bureau05.agenda%20and%20decisions.pdf.

⁶ See agenda and decisions of the fifth meeting of the Bureau (8 June 2022), annex, available at: <https://asp.icc-cpi.int/sites/asp/files/2022-07/2022-Bureau5-agenda-decisions.pdf>.

⁷ ICC-ASP/3/Res.6, para. 12*ter*, as amended by ICC-ASP/21/Res.2, annex II.

highlighted in the report of the Advisory Committee, and included on the agenda topics aimed at supplementing that report in relation to these aspects.

26. The roundtables were held on 6 and 7 November 2023 at United Nations Headquarters in New York and conducted in both working languages of the Court. While the modalities permitted participation via video-conference, all candidates took part in the roundtables in person. During the roundtables, all candidates had the opportunity to answer questions posed by States Parties and civil society. I am confident that these roundtables, as conducted, will prove useful for States Parties in their considerations for the election of judges.

G. Guidelines for national-level nomination procedures

27. Another element in the ongoing efforts for continuous improvement in the election process is the Assembly's request⁸ to the Advisory Committee to prepare guidelines for national-level nomination procedures. The Advisory Committee indicated in its report on the work of its ninth session that additional submissions from States Parties were required in order for it to effectively carry out its mandate for the preparation of these guidelines.⁹ Accordingly, I sent a communication, dated 29 September 2023, urging all States Parties that had not yet done so to submit to the Secretariat information on their national nomination procedures as soon as possible. So far, 33 States Parties have submitted the requested information since 2020. I urge States to submit the required information, which is necessary for the Advisory Committee to carry out this new mandate. In addition, I note that the Advisory Committee has requested the Assembly to approve the funds for two in-person meetings in 2024, in order to prepare guidelines and bring them to the attention of States Parties no later than the twenty-third session of the Assembly.

H. Permanent due diligence process for candidates for elected officials of the Court

28. Pursuant to the mandate granted by the Assembly at its twenty-first session, the Bureau continued consultations on the development of a permanent due diligence process for all elected officials of the Court. To this end, on 12 April 2023, following the presentation of an initial draft due diligence process proposed by the Assembly Presidency, the Bureau agreed to appoint co-facilitators to coordinate the consultations on this topic with all States Parties, the Court and civil society, as required by the Assembly mandate, and to prepare an updated proposal taking into account the views expressed.

29. On 30 November 2023, the Bureau adopted a report on the establishment of a permanent due diligence process for elected officials of the Court. The co-facilitators have prepared a proposed permanent due diligence procedure, and draft resolution language, for the Assembly's consideration. I wish to thank the co-facilitators, as well as all States Parties and stakeholders, for this important work, which will serve to strengthen Assembly election processes in the future.

I. Arrears

30. I take the opportunity to express my appreciation to those States Parties that have paid their assessed contributions to the budget of the Court in a timely manner. While most States Parties have done so during the current year, a significant amount of outstanding contributions remains.

31. The Bureau has monitored the status of contributions at each of its meetings and considered ways to better address the problem of outstanding contributions and arrears. At its tenth meeting, on 1 November 2023, the Bureau considered, in particular, the issue of requests for a waiver of the loss of voting rights pursuant to article 112, paragraph 8, of the Rome Statute. In order to be in a position to assess any such requests, the Bureau decided to send a formal communication to the States Parties who were ineligible to vote, informing them of the minimum payment required in order to recover voting rights, and indicating that

⁸ ICC-ASP/21/Res.2 (annex III).

⁹ Report on the Advisory Committee on Nominations of Judges on the work of its ninth session (ICC-ASP/22/4, para. 21).

any request for a waiver should be submitted by the end of 28 November 2023. The communication noted that the Bureau would consider the reasons provided for such requests and make a recommendation thereon to the Assembly. At its eleventh meeting, on 30 November 2023, the Bureau recommended that the Assembly grant requests for waivers from the loss of voting rights at the twenty-second session. At the same time, the Bureau recommended that it develop criteria in order to better equip the Assembly and the Bureau to assess such requests in the future, pursuant to article 112, paragraph 8, of the Rome Statute.

32. I once more urge all States Parties with outstanding contributions to make every effort to settle the outstanding balances.

J. Composition of the Committee on Budget and Finance

33. Further to the decision of the Assembly at its twenty-first session, requesting the Bureau to discuss the allocation of seats in the Committee on Budget and Finance (“the Committee”), the Bureau appointed a facilitator to coordinate discussions on this matter, with the aim of achieving agreement on the future composition of the Committee. Throughout the year, the facilitator has held consultations with Bureau members and interested States Parties to seek their views, and with the Chair of the Committee to ascertain the impact any change might have on the Committee.

34. On 13 December 2023, the Bureau adopted the report of the facilitator on the topic, reflecting the discussions and their outcome, for the Assembly’s consideration. The Bureau recommended that the Assembly adopt a resolution expanding the composition of the Committee to seventeen members, distributed amongst the five regional groups. The proposed resolution also: contains various criteria for the nomination of candidates to the Committee, including equitable geographical representation, gender balance, and the candidates’ experience in the financial field; recalls the criteria for conflicts of interest set out in the Rules of Procedure of the Committee on Budget and Finance;¹⁰ and sets out a term-limit for the re-election of members of the Committee. I thank the facilitator and States Parties for their efforts to ensure the continued efficiency of the Committee, while reflecting the diversity of the membership of the Court.

K. Composition of the Bureau

35. The Bureau remained seized of the issue of its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, pursuant to the request from the Assembly contained in resolution ICC-ASP/21/Res.2.¹¹ Informal consultations took place among interested delegations. It is suggested that the future Bureau take up this issue, with a view to reporting to a future session of the Assembly.

L. Recruitment of high officials of the Assembly

36. An important area of work for the Bureau in 2023 was the consideration of the modalities for the recruitment of two high officials of the Assembly, namely the Director of the Secretariat of the Assembly and the Head of the IOM. The Bureau has undertaken extensive discussions on this topic, and, as a result, has taken important steps to enhance the modalities for those recruitment processes. We look forward to the outcomes of those processes in 2024.

III. Enhancing cooperation, support and universality

37. In my role as President, I have sought to highlight the importance of the Court within an emergent global justice system. I have continuously communicated that, for the Court to discharge its mandate considering contemporary challenges, it is imperative to continue deploying efforts to strengthen the functioning and enhance the universality of the Rome

¹⁰ ICC-ASP/18/Res.1, annex.

¹¹ Para. 107.

Statute system, and to increase cooperation and support for the Court. To this end, I have engaged with the diplomatic community in The Hague and New York, and participated in person or virtually in numerous events, as keynote speaker or panellist, across different regions of the world.

38. Support and cooperation is necessary for the entire system, including in particular the Trust Fund for Victims (TFV), which contributes greatly to addressing the harm suffered by victims and affected societies. Significant efforts have been made throughout the year to give the TFV more visibility and support. The participation and reparation of victims is a central innovation of the Rome Statute system, which has now become an integral part of international criminal justice. We must ensure that the TFV functions properly, and the Board and the Secretariat of the TFV must be thanked for their continuous improvement efforts. I also wish to express my appreciation to those States that have provided voluntary financial contributions to their activities.

39. Throughout the year, I have actively reached out to different civil society organizations in order to bring their perspectives to the work of the Assembly and the Court. I am thankful for their support, availability and candour throughout the numerous meetings held to discuss the ongoing issues and challenges facing the Assembly and the Court.

40. I have also engaged with other international organizations to discuss the main priorities of the Assembly, including the strengthening of the Rome Statute system and achieving universal accession to the Rome Statute. On 3 February and 19 July 2023, I met with the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares, during which we discussed, in addition to the priorities of the Assembly, the continued engagement and cooperation with the United Nations.

M. Commemoration of the twenty-fifth anniversary of the adoption of the Rome Statute

41. A significant focus in 2023 for the Presidency and the Bureau, and indeed all States Parties and stakeholders, was the commemoration of the twenty-fifth anniversary of the adoption of the Rome Statute. A commemoration process was organized by the Presidency of the Assembly, in collaboration with different partners, to mark the anniversary. The commemorations commenced on 12 July 2023 in the Hague, with an event on the occasion of the opening of the exhibition “Common Bonds: From the Rome Conference to today”, hosted by the Municipality of The Hague and the Trust Fund for Victims.

42. The commemoration process continued on 17 July 2023 in New York, at United Nations Headquarters, where the Assembly held a full-day commemorative event. The event began with an opening ceremony, with remarks by Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel (on behalf of the Secretary General of the United Nations); Ms. Maria Tripodi, Under Secretary of State for Foreign Affairs and International Cooperation of Italy; Judge Piotr Hofmánski, President of the Court; Mr. Lloyd Axworthy, former Minister of Foreign Affairs of Canada; Mr. William R. Pace, former Convenor of the Coalition for the International Criminal Court; and Ms. Minou Tavarez Mirabal, Chair of the Board of Directors of the Trust Fund for Victims. As agreed by the Bureau, the commemoration was used as the opportunity to implement recommendation R363 of the Independent Expert Review. Accordingly, the opening ceremony was followed by a ministerial roundtable on the “Strategic vision for the next decade of the Court: how to ensure consistent and sustainable support for the Court”, with the participation of Ministers and Vice-Ministers of States Parties and invited States, remarks by Ms. Melinda Reed, Acting Convenor of the Coalition for the International Criminal Court, on behalf of civil society, and concluding remarks by the Prosecutor. The afternoon consisted of three panels, focused on the following topics: strengthening the international criminal law ecosystem; ensuring adequate remedy to victims of Rome Statute crimes; and the strengthening of the Rome Statute system through the Review Mechanism and beyond.

43. On 12 and 13 October 2023, discussions on the same theme (“Strategic Vision for the next decade: How to ensure consistent and sustainable support for the International Criminal Court”) continued at a symposium organized by the Siracusa Institute for International Criminal Justice and Human Rights with the support of the Assembly. During the two-day event, attendees

participated in four panel discussions during which they reflected on opportunities for reinforcing the Rome Statute’s substantive criminal scope through the inclusion of new crimes; discussed the lessons learned from 25 years of operationalising the principle of complementarity in practice and jurisprudence; considered future prospects for ensuring victims’ rights to truth, justice and reparation and a victim-centred approach; and reflected on the future prospects and challenges for the Court’s governance and functioning. A Declaration adopted at the conclusion of the symposium reaffirmed the importance of strengthening the Court, encouraged States Parties to cooperate with it, recalled the principle of complementarity and called for the effective implementation of the Rome Statute and the strengthening of the institutional framework of the Court and the Rome Statute system. The Declaration also condemned acts of intimidation and attacks against the Court and reiterated support for the Court as an independent, impartial court of law, standing firmly by its elected officials, personnel and all those cooperating with it.

44. In addition to this commemoration process, I had the honour to participate in a number of other events organized to commemorate the twenty-fifth anniversary of the adoption of the Rome Statute, including: an Arria-formula meeting of the United Nations Security Council on the “Contribution of the International Criminal Court to the Maintenance of International Peace and Security”, co-sponsored by the Permanent Missions of Japan and Switzerland to the United Nations on 18 July 2023; the “Conference on Amendments: Towards one Comprehensive Jurisdictional Regime for all Crimes within the Jurisdiction of the International Criminal Court” organized by the University of Vienna, School of Law and held in Vienna, Austria, on 6 October 2023; and a High-Level Regional Seminar on “The International Criminal Court and the Asia-Pacific: past, present and future of the Rome Statute – vision for the greater regional solidarity” held in Seoul, Republic of Korea, on 14 and 15 November 2023, jointly organized by the Republic of Korea (Ministry of Justice, Supreme Court, and Ministry of Foreign Affairs) and the Court, with the support of the European Union. In addition to marking the twenty-fifth anniversary, the objective of this last event was to raise awareness of the Court and the Rome Statute system in the Asia-Pacific region through increased dialogue with high-level ministerial, judicial and technical State actors from the region. The event also aimed to support universality efforts and to promote cooperation in the region.

45. States Parties and other stakeholders were encouraged throughout the year to organize commemorative events, and a dedicated webpage was created on the website of the Assembly in order to record and publicize such events.¹² I take the opportunity to thank States Parties, civil society partners, academic institutions and all those that contributed to the events to commemorate this auspicious anniversary. The commemorations will conclude at this Assembly session.

N. Non-cooperation

46. It is the responsibility of the Assembly under article 112, paragraph 2, of the Rome Statute to consider, pursuant to article 87 of the Statute, any question relating to non-cooperation. As requested by the Assembly, I have engaged throughout the year actively and constructively with all relevant stakeholders, in accordance with the Assembly procedures relating to non-cooperation. I am pleased to note that during the intersessional period there have been no instances of non-cooperation under this provision.

47. Throughout 2023 I have engaged in consultations with the authorities of the United Nations Secretariat in charge of establishing and overseeing policies in relation to non-essential contacts with those persons by the high-level officials of the United Nations.

O. Protection of the Court, its officials and those cooperating with it

48. The protection of the Court, its officials and those cooperating with it has been a top priority for the Presidency and the Bureau this year. The current global circumstances mean this will continue to be a significant challenge in the near future and years to come. The Court is exercising its jurisdiction in situations of ongoing violence, and divisions in the international community have the potential to impact on the cooperation and support it may receive. It is thus essential that the Assembly strives to protect the Court from attacks, and ensure that it preserves its integrity, impartiality and independence.

¹² <https://asp.icc-cpi.int/asp-events/25a-Adoption-RS>.

49. The strategy adopted by the Bureau on 29 July 2022 for responding to attacks against the Court, its officials and those cooperating with it¹³ was applied to confront attacks faced by the Court during the intersessional period in 2023. Throughout the year, the Presidency of the Assembly issued several statements expressing serious concern regarding the attacks faced by the Court. The Presidency repeatedly rejected the proceedings initiated against the Prosecutor, the President of the Court and six judges of the Court, as well as the cybersecurity incident that affected the Court in September 2023. I once again reiterate our unwavering support to the Court and stand firmly by its elected officials, and call on States, civil society and the international community to reject these attacks and cooperate fully with the Court to enhance its protection, independence and impartiality.

50. In addition to statements to respond to attacks against the Court and its officials, initiatives were taken to enhance the security of participants at the Assembly. During the twenty-first session of the Assembly, some States and non-governmental organizations representatives expressed concerns about security risks for human rights defenders by virtue of their work in support of the Court or accountability in general. In the closing plenary meeting of the twenty-first session, I referred to these concerns and recalled that the Assembly and the Court have a shared responsibility to promote and protect the goals and work of the Court, including from any threat or attack against the Court itself, its officials or those cooperating with it. I noted my intention to engage in consultations on this important matter and committed to exploring appropriate measures which could be taken to enhance the security of all those who participate in Assembly sessions.

51. In furtherance of this commitment, during the intersessional period I engaged in consultations on existing mechanisms to counter intimidation and reprisals in other fora, including with senior officials of the United Nations, notably the Assistant Secretary-General for Human Rights and United Nations focal point on reprisals, as well as representatives of non-governmental organizations. Drawing on these consultations, the Presidency submitted to the Bureau a proposal for guidelines for enhancing the security of participants in the work of the Assembly, which was subsequently discussed in the Bureau and consulted widely. As a result, on 4 October 2023, the Bureau adopted the “Guidelines for enhancing the security of participants in the regular sessions of the Assembly of States Parties and its side events”,¹⁴ aiming to ensure a safe, secure and open space and a fruitful dialogue at Assembly sessions and side events. The guidelines stress the importance of ensuring a free and inclusive expression of views, before, during and following Assembly sessions, including for participants attending side events. These guidelines will be applied for the first time at this session. I note that, when adopting the guidelines, the Bureau also recommended that the Assembly decides to recall the responsibility of States to refrain from acts constituting attacks, threats, intimidation or reprisals against participants in its work and to request the Bureau to continue developing measures to this effect in consultation with States Parties, the Court and civil society. I encourage a continued dialogue to further reinforce the guidelines going forward.

P. Universality

52. Universality is essential for the effectiveness and legitimacy of the Rome Statute system. The Court is a last resort institution, but it can only contribute to the emergent global system of justice if it indeed has the potential to intervene in all situations equally. Striving for universality is a shared responsibility of the Court and the Assembly. In light of this, the Presidency, in consultation with the Court, have made constant efforts to enhance universality, with the assistance of the *ad country* focal points, the Netherlands and the Republic of Korea, as well as civil society, in particular Parliamentarians for Global Action (PGA). Our sincere gratitude goes to all involved in this important endeavour.

¹³ <https://asp.icc-cpi.int/sites/asp/files/2022-08/Bureau-Proposal-Rec-169-ENG.pdf>. An annex to the strategy, approved by the Bureau on 2 December 2022, is available at: <https://asp.icc-cpi.int/sites/asp/files/2022-12/PASP-Request-R169-Good-Practices.pdf>.

¹⁴ The *Guidelines for enhancing the security of participants in the regular sessions of the Assembly and side events* have been integrated into the *Decision of the Bureau on the Guidelines for the preparation and conduct of sessions of the Assembly of States Parties* and can be found at https://asp.icc-cpi.int/sites/default/files/asp_docs/Guidelines-preparation-conduct-ASP-with-appendix-ENG.pdf.

53. I wish to end this oral report with a very warm welcome to the newest member of the Rome Statute system – Armenia. Armenia deposited its instrument of ratification of the Rome Statute on 14 November 2023, and the Statute will enter into force for Armenia on 1 February 2024. This is a further step towards universality, and we congratulate Armenia on this important development.

Appendix

List of facilitators and focal points

New York Working Group

Facilitators

Arrears

In the absence of a facilitator, Vice-President of the Assembly and Coordinator of the New York Working Group, H.E. Mr. Bob Rae (Canada), discharged this function.

Geographical representation and gender balance in the recruitment of staff of the Court

Mr. Marvin Ikondere (Uganda)

Omnibus resolution

Ms. Alexandra Hutchison (Australia)

Review of the procedure for the nomination and election of judges

Mr. Matúš Košuth (Slovakia)

Composition of the Committee on Budget and Finance

Ms. Mosammat Shahanara Monica (Bangladesh)

Scheduling of Assembly sessions

Mr. Pedro Muniz Pinto Sloboda (Brazil)

Establishment of a permanent due diligence process for elected officials (joint facilitation)

Mr. José Juan Hernández Chávez (Chile)

Ad-country focal points

Non-cooperation

Argentina¹⁵

Sierra Leone

Ireland

Romania

Vanuatu

The Hague Working Group

Facilitators

Budget

H.E. Ms. Ksenija Milenković (Serbia)

Sub-topic of the budget facilitation: Budget management oversight

H.E. Mr. Jaime Moscoso Valenzuela (Chile)

Sub-topic of the budget facilitation: Premises

Mr. Julián Camilo Silva Sanchez (Colombia)

Cooperation

H.E. Mr. François Alabrune (France)

H.E. Mr. Momar Gueye (Senegal)

¹⁵ “16. In order to assist the President in his or her good offices, the Bureau would appoint four, or, if so requested by the President of the Assembly, five focal points from among States Parties, on the basis of equitable geographic representation.” Assembly procedures relating to non-cooperation, annex, section D, 2 (a) Regional focal points for cooperation, as amended by resolution ICC-ASP/11/Res.8, annex I.

Legal aid

H.E. Ms. Carmen Maria Gallardo (El Salvador)¹⁶

Mr. Peter Nagy (Slovakia)¹⁷

Review of the work and operational mandate of the Independent Oversight Mechanism

H.E. Ms. Beti Jacheva (North Macedonia)

Head of the IOM contract extension and recruitment modalities

Mr. Edward Haxton (United Kingdom of Great Britain and Northern Ireland)

Establishment of a permanent due diligence process for elected officials (joint facilitation)

Mr. Nicolás E. Ortiz Marín (Ecuador)

Ad country focal points

Complementarity

Australia

Uganda

Plan of action for achieving universality and full implementation of the Rome Statute

Netherlands

Republic of Korea

Subsidiary body of The Hague Working Group

Study Group on Governance

Co-Chairpersons

H.E. Mr. Arnoldo Brenes Castro (Costa Rica)

H.E. Mr. Heinz Walker-Nederkoorn (Switzerland)¹⁸

H.E. Mr. Lauri Kuusing (Estonia)¹⁹

Co-focal points

Mr. Jan Christoph Nemitz (Germany)²⁰

Ms. Mio Takanashi (Japan)

Mr. Cornelius Scholtz (South Africa)

Ms. Pauline De Decker (Belgium)²¹

Subsidiary bodies of the Assembly of States Parties

Working Group on Amendments

Chair

H.E. Mr. Juan Manuel Gómez Robledo Verduzco (Mexico)

Review Mechanism

State Party representatives

H.E. Mr. Paul van den IJssel (Netherlands)

H.E. Mr. Michael Imran Kanu (Sierra Leone)

Ad country focal points

Bangladesh

Chile

Poland

¹⁶ Until April 2023.

¹⁷ Appointed as facilitator after the departure of Ambassador Gallardo.

¹⁸ Until mid-2023.

¹⁹ Appointed as Co-Chair after the departure of Ambassador Heinz Walker-Nederkoorn.

²⁰ Until mid-2023.

²¹ Appointed as a focal point after the departure of Mr. Jan Christoph Nemitz.

Annex III

Statement of the Chair of the Committee on Budget and Finance to the Assembly at the 5th plenary meeting of the twenty-second session of the Assembly, on 8 December 2023

1. I would like to thank you for the opportunity to address you today and to present the main outcomes of our discussions at the forty-first and forty-second sessions of the Committee on Budget and Finance (“the Committee”).

2. At the outset, I would like to take this opportunity to thank my fellow colleagues from the Committee for their devotion and hard work during this year, and also the representatives of the Court for their availability and cooperation. My thanks and appreciation goes also to the Executive Secretary to the Committee and his team for their quality and outstanding support, which is essential for the fulfilment of the Committee’s mandate.

3. Let me start with some of the challenges the Court will be facing in 2024.

A. United Nations Common System and inflation

4. The Committee recognized that the increase of staff costs by the United Nations Common System (“UNCS”) and inflation will impact unavoidably the Court’s future obligations towards its staff and various contracting partners, and concurred with the Court that some kind of prevention should be established. Currently, those increases are absorbed in the approved budget, resulting in the budget being inflated to allow that absorption. The Committee was of the opinion that a reserve for UNCS increases could bring more transparency and thus more trust into the budgeting process. However, the Committee was not convinced by the proposal to charge the salary increases decided by the ICSC costs to the Contingency Fund (“CF”) and requested that the Court provide a report on the issue of financial risks deriving from the UNCS increases, including the proposal for a reserve fund, at its forty-fourth session in April 2024. In addition to the already certain increases, the Court has, however, proposed an additional estimated increase of €2.9 million for salaries for 2024. As these costs are not yet certain, the Committee recommended that the Assembly not approve the additional increase of €2.9 million.

B. Contingency Fund

5. The Contingency Fund currently has a cash balance of €2.2 million. A notification for an amount of €2.3 million was recently received by the Committee. These expenses will be absorbed by the regular budget as has been assured by the Registry at the end of the year. The Committee continues, however, to be of the view that States Parties should replenish the Contingency Fund to its notional level of €7.0 million to provide the Court with the flexibility to react to unforeseen situations.

C. Liquidity

6. The outlook for the liquidity of the Court has significantly improved and there may be no liquidity shortfall in 2023. That improvement was due to a major payment of arrears at the beginning of the year and is only sustainable if States Parties pay their contributions to the Court’s budget in full and on time.

D. Security

7. Security is, as much as the Information Technology (IT) area, a cross-cutting issue all over the institution. The Registry had calculated for the proposed programme budget an amount of €1.6 million in security requirements. The requested resources aim to make substantial improvements to the Court’s security systems and should have an impact on the operation of the institution and its technological security, including by providing protection to all actors involved at Headquarters, country offices and during investigation-related

activities. In this context, IT security is key. Most of the Court's operations are fully IT-dependent; a failure in the systems or a security breach could potentially shut down the Court's operations. Cybersecurity has, therefore, been a particular focus of attention in the Committee's consideration of the IT-related budget items.

8. The cybersecurity incident, which happened after the Committee's autumn session, very much underlined the risks and the impact on the Court's operations. As we understand, the IT architecture needs a re-design to reinforce institutional resilience in the face of the increasing security risks. According to the Registrar, substantial additional resources are required.

9. The intention of the Registrar is to establish a "Trust Fund on Security", with a total of €17.0 million, to receive voluntary contributions to improve the Court's security, including the reinforcement of physical facilities, strengthening of digital infrastructure, and strengthening the protection of sensitive information, both at the Headquarters and at country offices. The Committee will specifically deal with security issues related to the establishment of trust funds at its forty-fourth session in April 2024.

E. OTP Trust Fund for Advanced Technology and Specialized Capacity

10. The Committee noted that total contributions received/pledged to the Trust Fund amounted to about €22.0 million from States Parties, including the contribution of €7.2 million from the European Commission. Among this, €5.1 million had already been spent and €8.1 million was allotted. The Office of the Prosecutor's Trust Fund has been operational for the second year now. Its activities have been supplementary to the Court's core activities. It has allowed the Office of the Prosecutor to address challenges, in particular with respect to the harnessing of advanced technology improvements, which would have become necessary anyway, without seeking additional resources in the programme budget, and also secondments to improve and strengthen the work of the Office of the Prosecutor. While most of the support services of the Court can provide assistance to the Trust Fund activities within existing capacities, it is clear that it had an impact on the regular budget. Furthermore, other trust funds, such as on complementarity and cooperation, have been announced, however no concrete proposals have been received by the Committee.

F. Secondment of Personnel

11. The Committee was informed that as of September 2023, the Office of the Prosecutor had 60 national experts on secondment from 19 States Parties, including 20 investigators, six lawyers, five prosecutors, 10 analysts and other specialists.

12. Currently, 13 different Unified Teams benefit from secondees, as well as a number of specialized thematic teams. The Court has received an indication of the possibility of extension or replacement for 25 secondees in 2024. The Committee was also informed that the Office of the Prosecutor will transition its requests for secondments to more specialized, technical fields in support of its analytical activities, and that a new Note Verbale outlining these new requirements will be circulated to States Parties. As for the impact of the secondees, the increased onboarding procedures, medical clearance and training have created additional work and cost for the Court, especially related to the Registry. The Committee recommended to mitigate negative impacts, but also to profit from a knowledge transfer between secondees and the Court.

1. Programme Support Cost

13. The Committee also recommended that the Court consider the possibility of taking on support cost of about 13.0 per cent, not only on this but also maybe on future funds, so that the Registry could also benefit and mitigate the impact of such funds.

G. Legal Aid reform

14. The Committee reviewed the second reform proposal on Legal Aid and received presentations from both the Court and the International Criminal Court Bar Association on

its various aspects such as working conditions and remuneration, and recommended the implementation in full of the so-called scenario “B” as a minimum. The reform proposal is multifaceted and seeks to deliver a wide range of improvements.

H. Premises

15. As for the Premises, the Committee took note of the Consultant’s report “ICC HQ Premises: Assessment and Elaboration Capital Replacement Plan” which the authors presented to the Committee. In light of the late presentation of the mentioned report, the Court had not yet presented a report on its assessments to the Committee. The Committee therefore requested that the Court present a report on its assessment of this proposed plan on the future contract set-up and multi-year financing plan for its next session in spring 2024. The upkeep of the premises will remain a challenge. The commitment of States Parties to reliable long-term funding will be necessary. Appropriate decisions should be taken by next year.

I. Evaluation of the Secretariat of the Assembly of States Parties

16. The Committee took note and welcomed the decision by the Bureau to have an assessment of the Secretariat that will take place in 2024. Such assessment should aim at increasing the efficiency and effectiveness of the Secretariat, taking also into consideration the specific needs and requirements of the proper functioning of the Committee and the Audit Committee. Therefore, the two Committees should be consulted during this process.

J. Consideration of the 2024 proposed programme budget

17. The Court requested a proposed programme budget of €200.4 million, including the host State loan of €3.59 million. The 2024 proposed programme budget represented an increase of 15.7 per cent (or €27.2 million) against the total approved budget for 2023.

18. The Committee carefully considered the budget assumptions, judicial activities and workload, taking into consideration the pressure of inflation in prices, and the previous trends in costs.

19. The Committee particularly recommended important reductions in staff resources. In assessing the need for the requested resources, the Committee had to take into account various factors, such as the level of activities, the existing resources and past experiences, the secondees provided by States Parties, the number of long-term vacant posts, which are not under recruitment, access to extrabudgetary resources by the Prosecutor and generally the very limited recruitment capacity.

20. Even with the significant reductions in staff resources, increases in the budget in 2025 will have to be expected since basically all new General Temporary Assistance (“GTA”) positions are funded only partially in 2024 for a range between two and six months, and will highly likely have to be funded at 100 per cent in 2025.

21. After carefully reviewing, therefore, the proposed budget and the justifications provided, the Committee concluded that total reductions could be achieved in the amount of €12.0 million. This represents an adjusted total increase of €15.2 million (or 8.7 per cent) compared to the 2023 budget including the host State loan.

22. It is worth mentioning that the total increase of €15.2 million included a total amount of €8.7 million (or 57 per cent of the total increase) related to the unavoidable increase from inflation and the UNCS.

23. The Committee considered that, in spite of these substantive reductions, the operations of the Court will not be negatively impacted.

Annex IV

Statement concerning of the adoption of the resolution on amendments to the Rules of Procedure and Evidence of the International Criminal Court, at the 9th plenary meeting of the twenty-second session of the Assembly, on 13 December 2023

A. Statement by Japan after adoption

1. The business continuity risk in the judiciary, should a judge become permanently unable to continue sitting in a trial, poses a risk to an effective, efficient and fair conduct of proceedings before the Court.
2. With this in mind, Japan welcomes the adoption of the resolution on amendments to the Rules of Procedure and Evidence by States Parties in a spirit of cooperation and solidarity based on the understanding that the option allowing for the replacement of a judge is consistent with the Rome Statute.
3. Japanese Judge Akane has also long been taking this issue very seriously from the standpoint of sustainable and efficient operation of the Court. In the lead-up to today's adoption, States Parties have spearheaded discussions among themselves as well as between States Parties and the Court. This is indeed a success story of States Parties exercising initiative to expedite the Court's work which is also a strong demand from victims by forming a subsequent agreement regarding the interpretation of article 74 of the Rome Statute.
4. Japan will remain actively engaged in relevant discussions in pursuit of sustainable and efficient operation of the ICC.

Annex V

Statements concerning the adoption of the resolution on the election of Members to the Committee on Budget and Finance of the International Criminal Court, at the 9th plenary meeting of the twenty-second session of the Assembly, on 13 December 2023

A. Statement by Kenya after adoption

1. We welcome the adoption of this resolution by consensus. As had earlier been indicated by the facilitator for whom we have profound respect for her great work, it remains and behoves us as States Parties to ensure that this resolution is implemented in a manner to make the Committee on Budget and Finance operate in an efficient and effective way.
2. The work of the Committee on Budget and Finance is highly important and we must facilitate it to make it fit-for-purpose. One way of doing this is, Madam President, is to accord their reports and recommendations greater reverence and veneration.
3. As States Parties, we must also ensure that the Committee is fully constituted at all times. We cannot be seen to have expanded its membership for expansion's sake.
4. With this, it is the understanding of this delegation that the issue of term limits will commence at the next election cycle without prejudice to any current or sitting members.

B. Statement by Mexico after adoption

1. Mexico would like to express its position on the resolution on the Composition of the Committee on Budget and Finance, in order to set forth our delegation's position on the record.
2. First of all, we extend our thanks to the facilitator for her tireless efforts and dedication throughout the year. We recognize that this was not an easy task and appreciate her commitment.
3. The negotiations on the composition of this Committee have proven to be a challenge, as they touch the most sensitive aspects of the organization, namely the issue of equitable geographic representation.
4. During the consultations, Mexico advocated finding a balance between the need to warrant an equitable geographic representation in the Committee, without incurring a disproportionate budgetary impact, especially at a time when many States Parties are struggling with economic difficulties and implementing austerity measures and policies.
5. We sought a fair solution throughout the negotiations and explored the various options that have already been presented by the facilitator. In an exercise of flexibility, we even explored a reasonable increase in membership. From our delegation's viewpoint, the decision to increase the composition of the Committee by 40 per cent generates a significant budgetary impact and leaves us with doubts about the effectiveness of the Committee's functioning. Considering that this was the solution that found the most support, Mexico adhered to the consensus.
6. We will remain fully committed to the operation of the International Criminal Court, while remaining mindful of the impact of this decision and will continue to offer solutions that are in line with the economic realities.

Annex VI

Statements concerning agenda item 6, “States in arrears”

A. Statement delivered by Venezuela on 4 December 2023

1. Since this is the first time that my delegation is taking the floor at this twenty-second meeting of States Parties to the Rome Statute of the International Criminal Court (ICC), I would like to extend to you and the other members of the Bureau our congratulations on your recent election.
2. You can rely on the unwavering support and cooperation of my delegation in the exercise of your functions, confident that this will result in the consolidation of the rule of law at the international level, as well as in the promotion and protection of all human rights and fundamental freedoms, faithful to the very spirit of the Rome Statute.
3. The Bolivarian Republic of Venezuela is a responsible member of the international community. Hence, our delegation decided to request the right to speak on the agenda item under consideration, as we consider it of vital importance to place on record the firm determination and full willingness of the Venezuelan State to honour, in a full and timely manner, its financial commitments to the regular budget of the International Criminal Court (ICC).
4. Nevertheless, it is important to bring to the attention of this Assembly of States Parties that, since at least 2014, our country has been subject to an economic, commercial and financial embargo, embodied in the illegal application of more than 930 unilateral coercive measures which, needless to say, constitute a flagrant violation of all norms and principles of international law, including of the very principles of the Rome Statute. This even prompted our country, in February 2020, to make a referral to the ICC, contained in the so-called “Venezuela II” case, whose objective is none other than to ensure that those responsible for the crimes against humanity that are currently being committed against our people are held liable before the international justice system.
5. These criminal measures, which constitute a collective punishment against thirty million Venezuelan men and women, and which have resulted in economic losses amounting to more than 30 billion dollars, have prevented the Venezuelan State, precisely since 2014, when the multifaceted aggression against our country began, from complying with the payment of its contributions to the ICC, notwithstanding the fact that it had the will and the resources to do so. Multiple efforts have been undertaken since then to address this situation, as attested to by the ICC Office of the Prosecutor itself. To this date, however, it has not been possible to secure a financial route that allows the safe transfer of the funds required to pay off our debt and that guarantees that they will not be withheld, blocked or confiscated, in application of the erroneously called “sanctions”, those that are currently being enforced in a criminal manner against our country.
6. Notwithstanding this state of affairs, which is the result of actions and policies beyond our will or control, the Bolivarian Republic of Venezuela once again ratifies today its firm commitment to continue all the necessary and required steps towards the prompt resolution of this unfortunate situation.
7. We conclude, in this regard, by welcoming the recent decision adopted on this issue, which not only corresponds to the provisions of article 112 (8) of the Rome Statute, but also denotes a sound understanding of the States Parties to this Assembly of the challenges that my country is currently facing, as a result of a series of interventionist and belligerent policies which, among other things, violate the rule of law, threaten the full enjoyment and exercise of the human rights of our people, and have generated a systemic crisis which, as evidenced by the facts, affects both the countries subject to them and the remaining members of the international community.

B. Statement delivered by Canada on 4 December 2023

1. I have the honour to speak today on behalf of Japan, Slovakia and my own country, Canada.
2. The state of arrears and the recurring threat of a potential liquidity crisis facing the Court each year is profoundly concerning. Although Japan, Slovakia and Canada are satisfied with the payment by some States Parties of their arrears earlier this year, greater efforts must be made by all. The Court's success depends on the timely payment of assessed responsibilities. Being a State Party is a privilege, and comes with responsibilities, which all must respect.
3. We acknowledge the costs associated with the Court's growing workload, and recognize its need for an appropriate budget. On the other hand, atrocity situations worldwide are on the rise, increasing the potential workload of the Court. If left unaddressed, this situation will only deteriorate further.
4. Japan, Slovakia and Canada have taken note of the requests for waivers of loss of voting rights received again this year. We appreciate the interest shown by States Parties to participate in the Court's elections, and welcome this willingness of all to engage. Nonetheless, we also noted that for some of the countries that have filed such a request, the minimum payment to be paid to regain their right to vote is as little as 1 euro. We understand that these amounts, which serve as a gesture of good faith to the Assembly, have not been paid.
5. This process of granting waivers was never meant to be a permanent solution, but rather a way of helping States facing significant economic hardship.
6. Last year, we supported language within the omnibus resolution to increase the cap of the Working Capital Fund to ensure that arrears paid to the Court stay with the Court. This year, Japan, Slovakia and Canada remain committed to engaging constructively with other States Parties to find lasting solutions and ensure continuous financial support for the Court.

Annex VI

List of documents

<i>Document symbol</i>	<i>Title</i>
ICC-ASP/22/1	Provisional agenda
ICC-ASP/22/1.Add.1	Annotated list of items included in the provisional agenda
ICC-ASP/22/2	Eighth election of judges of the International Criminal Court
ICC-ASP/22/2/Add.1	Eighth election of judges of the International Criminal Court – addendum
ICC-ASP/22/2/Add.2	Eighth election of judges of the International Criminal Court – second addendum
ICC-ASP/22/3	Election of judges of the International Criminal Court: guide for the eighth election
ICC-ASP/22/3/Rev.1	Election of judges of the International Criminal Court: guide for the eighth election
ICC-ASP/22/4	Report of the Advisory Committee on Nominations of Judges on the work of its ninth session
ICC-ASP/22/4/Corr.1	Report of the Advisory Committee on Nominations of Judges on the work of its ninth session – corrigendum (French only)
ICC-ASP/22/4/Add.1	Report of the Advisory Committee on Nominations of Judges on the work of its ninth session – addendum
ICC-ASP/22/5	Report of the Committee on Budget and Finance on the work of its fortieth session
ICC-ASP/22/6	Election of members of the Committee on Budget and Finance
ICC-ASP/22/7	Report of the Bureau on the Study Group on Governance
ICC-ASP/22/8	Report of the Bureau on Legal aid
ICC-ASP/22/9	Draft Legal aid policy of the International Criminal Court
ICC-ASP/22/10	Proposed Programme Budget for 2024 of the International Criminal Court
ICC-ASP/22/11	Report of the Review Mechanism submitted pursuant to resolution ICC-ASP/21/Res.4, paragraph 12
ICC-ASP/22/12	Financial statements of the International Criminal Court for the year ended 31 December 2022
ICC-ASP/22/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2022
ICC-ASP/22/14	Report to the Assembly of States Parties on the projects and the activities of the Board of directors of the Trust Fund for victims for the period 1 July 2022 to 30 June 2023
ICC-ASP/22/15	Report of the Committee on Budget and Finance on the work of its forty-first session
ICC-ASP/22/16	Report of the Bureau on the arrears of States Parties
ICC-ASP/22/17	Report on activities and programme performance of the International Criminal Court for the year 2022
ICC-ASP/22/18	Report of the Court on Human Resources Management
ICC-ASP/22/19	Report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the UNSC
ICC-ASP/22/21	Annual report of the Head of the Independent Oversight Mechanism
ICC-ASP/22/22	Report on the activities of the International Criminal Court
ICC-ASP/22/23	Report on the constitution and activities of the International Criminal Court Bar Association (“ICCBA”)
ICC-ASP/22/24	Report of the Court on cooperation
ICC-ASP/22/25	Report of the Committee on Budget and Finance on the work of its forty-second session
ICC-ASP/22/26	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
ICC-ASP/22/27	Report of the Bureau on cooperation
ICC-ASP/22/28	Report of the Bureau on complementarity
ICC-ASP/22/29	Report of the Working Group on Amendments
ICC-ASP/22/30	Report of the Bureau on the review of the work and the operational mandate of the Independent Oversight Mechanism

<i>Document symbol</i>	<i>Title</i>
ICC-ASP/22/31	Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court
ICC-ASP/22/32	Report of the Bureau on the scheduling of Assembly sessions
ICC-ASP/22/33	Report to the Bureau on the review of the procedure for the nomination and election of judges
ICC-ASP/22/34	Report of the Bureau on the Budget sub-topics of Budget Management Oversight and Premises
ICC-ASP/22/35	Report of the Bureau on non-cooperation
ICC-ASP/22/36	Report of the Bureau on the establishment of a permanent due diligence process for elected officials
ICC-ASP/22/37	Report of the Bureau on the composition of the Committee on Budget and Finance
ICC-ASP/22/38	External Auditor: Performance audit report on legal aid 2023
