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Report of the Bureau on the Study Group on Governance

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I. Introduction

1. The Study Group on Governance (the “Study Group”) was established via a resolution¹ of the Assembly of the States Parties (the “Assembly”) in December 2010 “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 “to facilitate this dialogue with a view to identifying issues where further action is required, in consultation with the Court, and formulating recommendations to the Assembly through the Bureau”. It was further decided that “the issues to be dealt with by the Study Group include, but are not limited to, matters pertaining to the strengthening of the institutional framework both within the Court and between the Court and the Assembly, as well as other relevant questions related to the operations of the Court”.

2. In 2011, the Study Group dealt with the relationship between the Court and the Assembly, strengthening the institutional framework within the Court and increasing the efficiency of the criminal process. At the request of the Assembly at its tenth to twenty-first sessions, the dialogue between the organs of the Court and States Parties was continued from 2012 to 2023.

3. In response to the final report of the Independent Expert Review², dated 30 September 2020, (“IER report”) and the Comprehensive Action Plan³ adopted by the Bureau on 28 July 2021, the twenty-first session of the Assembly requested that⁴:

“[...] 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 2023 and to submit to the Bureau the outcome of its consideration, including on action already taken and proposals for next steps, by 15 November 2023.”

4. The twenty-first session of the Assembly further took note of the report of the Bureau on the Study Group on Governance⁵ and the recommendations contained therein, and extended the mandate of the Study Group for a further year⁶, requesting the Study Group to facilitate a platform for the discussion of the Independent Experts’ recommendations assigned to the Court and to continue considering the Independent Experts’ recommendations assigned to it, which relate in particular to the continuity of proceedings, the election of the Registrar, human resources and key performance indicators, and to report thereon to the twenty-second session of the Assembly.⁷

5. On 31 January 2023, the Bureau appointed Ambassador Arnoldo Brenes Castro (Costa Rica) and Ambassador Heinz Walker-Nederkoorn (Switzerland) as Co-Chairs of the Study Group on Governance, and also appointed Mr. Jan Christoph Nemitz (Germany), Ms. Mio Takashi (Japan) and Mr. Cornelius Scholtz (South Africa) as co-focal points. On 28 July 2023, the Bureau appointed Ambassador Lauri Kuusing (Estonia) and Ms. Pauline De Decker (Belgium) as Co-Chair and focal point, respectively, following the conclusion of the terms of Ambassador Walker-Nederkoorn and Mr. Nemitz in June 2023.

6. The Study Group held six meetings, on 2 March, 18 April, 6 June, 27 June, 28 September and 26 October 2023. The Co-Chairs and co-focal points held discussions with the President of the Assembly, the Chairperson of the Hague Working Group, States Parties, the Review Mechanism, the Chair of the Working Group on Amendments, the facilitator of the New York Working Group on the issue of equitable geographical representation and gender balance (GRGB), the Court focal points⁸ and other representatives of the Court.

7. This report on the Study Group describes the activities of the Study Group in 2023 and contains recommendations regarding the continuation of its work.

¹ ICC-ASP/9/Res.2.

² ICC-ASP/19/16.

³ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf.

⁴ ICC-ASP/21/Res.4, para.10.

⁵ ICC-ASP/21/Res.2, para. 97.

⁶ ICC-ASP/21/Res.2, para. 98.

⁷ *Ibid.*, annex I, para 9.

⁸ Mr. Hira Abtahi, Chef de Cabinet of the Presidency, Mamadou-Racine Ly, Adviser to the Prosecutor and Mr. Juan Antonio Escudero, Chief of Staff, Registry, respectively.

II. Consideration of issues

8. Informed by its mandate and the Comprehensive action plan, the program of work for the Study Group focused on the following issues: a) Continuity of proceedings (R214-R215, R381-R384); b) Election of the Registrar (R76-R78); c) Human Resources (R92, R95, R99, R101, R103); d) Key Performance Indicators (R144, R145, R148); Standard for representation by *amicus curiae* (R202-R203); e) Chambers Governance (R27, R33); f) The continued facilitation of a dialogue with the Court on clusters of recommendations allocated to the Court.

A. Continuity of Proceedings (R214-R215, R381-R384) and draft rule 140*ter* of the Rules of Procedure

(i) Recommendation 214 and introduction of draft rule 140*ter* of the Rules of Procedure and Evidence and amendment of article 39 Rome Statute

9. The issue of ensuring the continuity of judicial activity, if a judge becomes permanently unable to continue sitting in a trial after the hearing of evidence, was further discussed in 2023.

10. Previously, a paper, dated 10 November 2022 had been circulated⁹ by the co-Chairs of the SGG and put two options forward: option 1 proposed to proceed only via an amendment of the rule 140*ter* of the Rules of Procedure and Evidence (RPE); option 2 recognized that the proposed rule 140*ter* was a good way forward but combined such a proposal with an amendment of article 39 and/or article 74 of the Rome Statute.

11. At the 2 March 2023 meeting of the Study Group, the two options were discussed. As no consensus emerged as to the preferred option, the co-Chairs sent a letter dated 20 March 2023 to the President of the Court in order to get the judges' views on the proposals. By letter dated 21 June 2023, the Presidency replied, noting in substance that while all judges agreed on the necessity of introducing a provision to enable the replacement of judges in situations of permanent incapacity, different preferences were expressed as to the options. The Advisory Committee on Legal Texts (ACLT) of the Court also provided a legal analysis of the options proposed and suggested some edits to the draft text of rule 140*ter* and article 39 of the Rome Statute as had been originally proposed by the Co-Chairs.

12. At the 28 September 2023 meeting of the Study Group, the Co-Chairs submitted for States Parties' consideration the following way forward:

a) Adoption, at the twenty-second session of the Assembly, of rule 140*ter* of the Rules of Procedure and Evidence, with the technical modifications proposed by the Advisory Committee on Legal Texts (ACLT); and

b) Amendment, as soon as possible, of article 39, paragraph 2(b) as suggested and in the wording proposed by the Advisory Committee on Legal Texts, so as to include a cross-reference to the Rules of Procedure and Evidence in article 39, paragraph 2(b) of the Rome Statute and, thus provide a statutory foundation to the rule 140*ter*.

13. The Co-Chairs of the Study Group on Governance accordingly proposed that recommendation 214 be assessed positively, with the understanding that the Rome Statute amendment would take place as soon as possible and that, in the meantime, an amendment of the Rules of Procedure and Evidence, i.e. the introduction of rule 140*ter*, would already have been adopted. The proposal of an absolute majority of the judges of the Court to amend the Rules of Procedure and Evidence by the introduction of a new rule 69 *bis*, was also discussed at this meeting.

14. The proposed way forward was adopted by consensus at the meeting of 28 September 2023, including the positive assessment of R214.

⁹ "SGG Revised Discussion Paper – Management of Transitions in the Judiciary", dated 10 November 2022.

(ii) Proposal of adoption of new rule 69bis of the Rules of Procedure and Evidence

15. On 19 June 2023, President Hofmański submitted to the ASP, in accordance with article 51, paragraph 2, of the Rome Statute, a proposal from an absolute majority of the judges of the Court to amend the Rules of Procedure and Evidence by the addition of a new rule 69bis to the Rules of Procedure and Evidence. The proposed rule 69bis deals with the taking of judicial notice of adjudicated facts in final judgements.

16. At the 28 September 2023 meeting of the Study Group, the proposal was explained by the Chef de Cabinet of the Presidency. It was adopted by consensus, sent to the Working Group on Amendments, and endorsed via a silence procedure.

17. On 29 September 2023, the Co-Chairs conveyed to the Chair of the Working Group on Amendments, pursuant to the Revised “Roadmap on reviewing the criminal procedures of the International Criminal Court”,¹⁰ a letter in which they indicated that the Study Group had agreed to submit to the Working Group on Amendments the amendment proposals relating to both Rules of Procedure and Evidence, i.e. rule 140ter and rule 69bis, and to article 39 of the Rome Statute (see annex I). They requested that the Working Group on Amendments urgently consider the amendment proposals and hoped that, at the very least, the two amendment proposals to the Rules of Procedure and Evidence could be proposed by the Working Group on Amendments for adoption by the twenty-second session of the Assembly.

(iii) Recommendation 215

18. Concerning recommendation 215, as it does not suggest a rule amendment and rather asks the ASP to act in a specific situation, the SGG decided not to recommend the implementation of the recommendation right away, but to keep the issue under consideration and for the Assembly to take a decision when it is needed to elect one or more additional judges.

(iv) Recommendations 381-384

19. With respect to recommendations 381-384, the IER Experts had suggested an amendment of the Rome Statute to enable, among other things, a single judge and the Defence Office to suggest an amendment to the Rules of Procedure and Evidence. This amendment would align the process for the amendments to the Rules of Procedure and Evidence with the process for the amendments to the regulations of the Court. It would also help the Court to expedite amendments in a timely manner.

20. Recommendations R382, R383, R384, being all linked to R381, were assessed positively by the Study Group at its meeting of 26 October 2023.

B. Election of the Registrar (R76-R78)

21. In accordance with article 43, paragraph 4, of the Rome Statute and rule 12, paragraph 1, of the Rules of Procedure and Evidence, the Registrar is elected by an absolute majority of judges, taking into account any recommendation by the Assembly of States Parties. The role of the Assembly within the existing framework is to provide recommendations on the list of qualified candidates established by the Presidency.

22. The Independent Expert Review found that the election process for the Registrar “ought to be more thorough and that States Parties should play a stronger role in the process, in line with the provisions of the Rome Statute.”

23. The Assembly of States Parties noted at its twentieth session that there was not sufficient time to fully assess and implement these recommendations before the election of the Registrar in April 2023 and decided to strengthen the participation of States Parties in the election of the Registrar within the existing legal framework. The reasoning for this approach was threefold. Firstly, it allowed the Court and States Parties to concentrate their resources on the ongoing election process. Secondly, lessons learnt from the upcoming election could be included into the assessment of the recommendations. Lastly, recommendations R76 and R77 are linked to the Three-Layered Governance Model, the more detailed discussion of which was at the time not yet been finalized.

¹⁰ Report of the Bureau on the Study Group on Governance (ICC-ASP/12/37, annex I).

24. The Study Group further discussed these issues at its 22 February 2022 meeting. By then, the Court, upon invitation, had already consulted with States Parties on the drafting of the vacancy announcement for the position of Registrar. As a result, the Bureau adopted the proposals put forward by States Parties for inclusion of certain text in the vacancy announcement. Furthermore, the Study Group discussed the mandate on the establishment of a due diligence process and on public roundtables which the Bureau and The Hague Working Group considered.

25. These roundtables, with ten candidates, took place on 11 and 12 October 2022, where the candidates answered questions prepared in advance by States Parties and civil society and presented by the Vice-President and Coordinator of The Hague Working Group, Ambassador Kateřina Sequensová (Czech Republic), as well as by representatives of civil society. The roundtables gave States Parties and other stakeholders, as well as the judges, an informative and helpful impression of the candidates, thereby informing the ultimate decision of the judges.

26. After the election of the Registrar, the Study Group continued the consideration of recommendations R76-R78 at its meetings of 18 April 2023 and 26 October 2023.

27. R76 would require an amendment at least to rule 12 (1) of the Rules of Procedure and Evidence, which currently provides that the shortlisting of candidates is to be done by the Presidency of the Court, rather than by the Assembly or by an expert committee, as recommended by the IER Experts in R76.

28. Although certain elements of R76 have been implemented in the recent election, insofar as States Parties have played a strengthened role in the process, as well as the due diligence process and the roundtable interviews, given the fact that most of the elements contained in R76, including the Three-Layered Governance Model, the establishment of an expert committee, and the Assembly of States Parties voting on a shortlist of candidates, were rejected, overall this recommendation was assessed negatively, with a comment reflecting those elements that have been implemented.

29. R78 similarly would require an amendment to article 43(5) of the Rome Statute to provide for a longer term of the Registrar of seven to nine years and to remove the option of re-election. While the Study Group was inclined to assess R78 negatively, given that no State Party expressed a strong view favouring the way forward proposed by the recommendation, and that R78 would, furthermore, require an amendment to the Rome Statute, the Study Group took note that the recommendation had been allocated to both the Study Group and the Working Group on Amendments in the Comprehensive Action Plan. The Study Group decided to request the Working Group on Amendments to also assess R78, pursuant to the Comprehensive Action Plan.

30. Article 43(5) of the Rome Statute currently provides that the Registrar may if the need arises recommend to the Judges that a Deputy Registrar be elected. R77, which envisions a system where there would be a permanent position of Deputy Registrar. Such a system would enable the Registrar to focus on the administration of the Court as an international organization, while the Deputy Registrar's role would coincide with that of Chief of Judicial Services. As was the case with R76 and given the outcome of the discussions on the Three-Layered Governance Model, this recommendation was assessed negatively.

C. Human Resources (R92, R95, R99, R101, R103)

31. At the meeting of 18 April, the representatives of the Registry and the Office of the Prosecutor briefed States Parties on the status of implementation of IER recommendations R92, R95, R99, R101 and R103.

32. They explained that all the recommendations were being implemented, such as the National Professional Officer Category, amendment of Financial Rules and Regulations and creation of the training platform and utilization of secondments. With regard to secondments, the representatives mentioned that the Registry and the OTP were discussing the way to improve geographic representation of secondees.

D. Key Performance Indicators (R144, R145, R148)

33. During the year 2022 recommendations R144, R145 and R147 had been positively assessed; final assessment of R148 and the possibilities of measuring the Court's impact had been put on hold in anticipation of the final report on the Nuremberg Academy's benchmark's project, expected to be published in late 2022. Therefore, during the meeting of the Study Group on 6 June 2023, representatives of the Registry, the Office of the Prosecutor and the Presidency presented the 2022 report of the Court on Key Performance Indicators ("KPI" or "KPIs") and provided an update on the status of implementation of recommendations R144, R145 and R147. The Study Group assessed recommendation R148 on its meeting of 26 October 2023.

1. Presentation of the 2022 report on performance indicators, and follow-up on the implementation of R144, R145 and R147.

34. Regarding the 2022 report on performance indicators, it was recalled that the Court had positively assessed R146 and implemented measures to standardize the collection of data, make the presentation of data more coherent and reader-friendly and consequently provide more meaningful insight of the achievement of strategic goals.

35. It was pointed out that the 2022 Report includes the improvements made since the previous year, namely: (i) adjusted reporting timeline to cover the full calendar period from January to December, (ii) introduction of data visualisation, and (iii) introduction of a new KPI, related to the elapsed time of judicial decisions and activities.

36. More precisely, an important change was made to section "B. judicial activity by key phases," which presents data related to the Court's judicial activities by case. The previous presentation of the data was considered difficult to read. Addressing this observation, the Court has made further progress in presenting the data on judicial activities in a more reader-friendly manner. Various other chapters have undergone improvements in terms of visualization, including on victims and witness-related services within the judicial and prosecutorial performance goals, on request of assistance and request for information within the cooperation and complementarity goals, and on geographical representation (status of non-represented States Parties) within the organizational performance goals. These improvements aim to provide readers with a clearer and more accessible representation of the relevant information. In addition, the overall narrative supporting performance data has been strengthened. The report offers more comprehensive background information on both increased and decreased performance results, with references to underlying causes and possible implications.

37. Besides of those improvements in methodology, the report presents the developments that have occurred in 2022 in the areas of judicial and prosecutorial performance, cooperation and complementarity, and organizational performance.

38. Regarding the transition to KPIs for the Strategic Plans 2023-2025, the Court has introduced a new set of ICC KPIs, comprising 27 indicators for the 10 ICC strategic goals. Furthermore, the Strategic Plans of the OTP, the Registry and the Trust Fund for Victims have also adopted organ-specific KPIs, which have been designed to align with the high-level strategic goals, moving away from solely measuring operational performance. They will also be included in the Court's budget proposal. The Court will regularly monitor and report on its progress through relevant internal mechanisms. Subject to the feedback received from States Parties, the Court intends to present in next year's report on KPIs the results of the KPIs included in the 2023-2025 Strategic Plans of the Court, the OTP, the Registry, and the Trust Fund for Victims.

39. In terms of streamline reporting on Court's KPIs, the Court believes that greater synergy can be achieved between its KPI report and other performance reports (for instance, reports to the ASP through the CBF on activities and programme performance, or on human resources management). This will allow to convey a better and more cohesive understanding of the Court's overall performance. The Court indicated that it will work on a proposal to achieve this goal in 2023.

40. As per the implementation of recommendations R144, R145 and R147, the 2022 report on performance indicators reflects the implementation of R144 and R145. KPIs for each strategic goal of the Court-wide Strategic Plan for 2023-2025 have been developed. As per R147, with the finalization of the new strategic plan, the Court should be able to engage with other organizations and tribunals to explore the possibility of sharing information on KPIs in an effort to enable cross-comparisons. In particular, on issues such as staff-wellbeing or geographic balance and gender representation, such a comparison should be feasible and useful. R147 implementation is still ongoing.

2. Assessment of recommendation R148

41. The Study Group first considered recommendation R148 at the meeting of 20 October 2021. The Court's initial response welcomed this recommendation, while highlighting a number of key issues that the Assembly should take into account if deciding to take the recommendation forward for implementation. On the meeting of 17 May 2022, further consideration of R148 and the possibilities of measuring the Court's impact was put on hold in anticipation of a final report on the Nuremberg Academy's benchmarks project, expected at that time to be published in late 2022.

42. R148 was later discussed in the meetings of 6 June and 26 October 2023. Since by the 6 June 2023 meeting the report still had not been published, discussion on R148 was postponed for later in the year.

43. In the 26 October 2023 meeting, it was recalled that the final report had still not been published and that the continuation of the project itself remained uncertain. It was also commented that while it is always desirable that the work and performance of any intergovernmental organization be assessed by external actors, for the Court to undertake this project would have a very high financial cost. Moreover, it was also recalled that the Court's impact is to some extent already assessed by external partners, such as civil society organisations, academia, international/regional organisations. Considering this circumstance, in the meeting of October 26, 2023 the Study Group assessed this recommendation "negatively with comments".

E. Standard for representation by amicus curiae (R202-R203)

44. In the Study Group's meeting on 27 June, the Chef de Cabinet of the Presidency of the Court indicated that R202 was positively assessed and it was concluded that there was no need for any changes to legal texts because the 'desirability' standard contained in rule 103(1) remains appropriate. Regarding R203, he indicated that this recommendation had been assessed negatively as this issue raises significant questions of compatibility with the statutory framework.

F. Chambers Governance (R27, R33) [R22, R23, R27 and R28]

45. In the meeting of 27 June, the Chef de Cabinet of the Presidency of the Court informed the Study Group that both recommendations had been assessed positively with modifications and implemented.

46. As for R27, the job description of the positions of all three divisional Legal Advisers has been reviewed and updated at different points in time, including in 2022. With regard to R33, it is agreed that contractual schemes should always be reviewed with the view to improving them. However, the Chambers are bound by the contractual scheme of the Court.

G. Facilitation of platform for discussion

47. The Study Group recalled that, in allocating the IER recommendations in the Comprehensive action plan, the Review Mechanism had decided to work through existing Assembly structures in order to avoid burdening the Assembly with new structures. The Review Mechanism allocated the recommendations concerning governance issues to the Study Group on Governance as the platform for discussion (except for those related to

Unified Governance, R1-R20, where the RM had decided to facilitate the initial discussion).¹¹ On 27 June and [...] 2023, the Study Group held meetings in order to discuss the clustered IER recommendations allocated to the Court that were assigned to the Study Group as the platform for discussion. The Court gave an update of its assessment of the remaining recommendations.

1. Update on Efficiency of the Judicial Process and Fair Trial Rights (R197, R198 and R201)

48. In the meeting of the Study Group on 27 June, the Chef de Cabinet of the Presidency of the Court indicated that all the recommendations are assessed positively with modifications.

49. Regarding R197 and 198, meetings amongst judges of the Pre-Trial Division, in different formats and with different stakeholders, as appropriate, are already taking place as the need arises.

50. With regard to R201, it is agreed to explore regulating the procedures governing motions for acquittal in the Regulations of the Court. Judges are currently discussing the content of a Regulation on motions of acquittal, as well as whether supplementary modifications to the RPE and/or Chambers Practice Manual are also required.

2. Update on Chambers Governance (R22, R23, R27, R28)

51. In the 27 June 2023 meeting of the Study Group, the Chef de Cabinet of the Presidency of the Court indicated that recommendations apart from R23 had all been positively assessed with modifications and had been implemented. Regarding R23, the role of ‘Team Coordinator’ already exists and it is assigned to the P-3 Legal Officer position, hence the recommendation had been assessed negatively.

3. Update on Coherent and Accessible Jurisprudence and Decision-Making (R218, R222, R224)

52. The Chef de Cabinet of the Presidency of the Court indicated at the meeting on 27 June that R218 had been assessed negatively, and that Chambers will seek submissions from the parties and participants on questions of law if they consider it appropriate. R222 and R224 were assessed positively with modification and positively, respectively. As for R222, it is agreed that dissenting and separate opinions should be issued simultaneously with the majority judgement, decision or order and that this has been captured in the Chambers Practice Manual, rather than the Regulations of the Court, as part of the Guidelines adopted in connection with R224 which has been already implemented.

4. Update on OTP Governance (R38-47, R49-R54, R56-R64, R66, R69, R70, R72-R75)

53. The representative of the OTP indicated at the meeting on 27 June that most of recommendations related to efficiency are assessed positively, except for R49 to 54 and 72 which are based on the previous structure. R70 is also assessed negatively concerning the importance of the independence of the OTP. The representative of the Registry commented that albeit negative assessments to the delegation of responsibilities, the purport of recommendations is well noted and the Registry provides certain support to the OTP such as training and translation.

III. The way forward

54. As regards the way forward for the Study Group, the Co-Chairpersons and co-focal points noted that the assessment of all the IER recommendations allocated to the Study Group on Governance in the Comprehensive Action plan had been completed in 2023.

55. In consequence, the Co-Chairpersons and co-focal points note that the work of the Study Group in 2024 will focus on the implementation of those recommendations that had been positively assessed, or positively assessed with modifications. The Study Group will invite the Court focal points to update the Study Group thereon. The Study Group remains available to consider any issues which the Court may wish to draw to its attention.

¹¹ Introductory note, Proposal for a Comprehensive Action Plan for the assessment of the recommendations of the Group of Independent Experts, including requirements for possible further action, para. 7. See: https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-CAP-Introductory-Note-ENG.pdf.

IV. Recommendations

56. The Study Group through the Bureau submits the following recommendations for the consideration of the Assembly:

A. For inclusion in the omnibus resolution

The Assembly of States Parties,

1. *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;
2. *Takes note* of the Bureau's report on the Study Group on Governance;¹²
3. *Extends* for another year the mandate of the Study Group, 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 ASP/21/Res.2;
4. *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;

B. For inclusion in the mandates annexed to the omnibus resolution

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;
- (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;

¹² ICC-ASP/22/7.