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 permits 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,

Further recalling 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 Amendments[1] 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,"

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[1] ICC-ASP/22/29.
[2] ICC-ASP/22/7.