

## 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”,<sup>1</sup> 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;<sup>2</sup>
3. *Takes note* once more of the overall response of the Court<sup>3</sup> 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 recommendations<sup>4</sup> and the Comprehensive action plan<sup>5</sup> 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:

<sup>1</sup> [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf)

<sup>2</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf)

<sup>3</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP20/Overall%20Response%20of%20the%20ICC%20to%20the%20IER%20Final%20Report%20-%20ENG%20-%202014April21.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/Overall%20Response%20of%20the%20ICC%20to%20the%20IER%20Final%20Report%20-%20ENG%20-%202014April21.pdf)

<sup>4</sup> [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf)

<sup>5</sup> [https://asp.icc-cpi.int/EN\\_Menus/asp/review-court/pages/action-plan.aspx](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.