

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.