



## Assembly of States Parties

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### Twenty-third session

The Hague, 2-7 December 2024

## Annotated list of items included in the provisional agenda

### Note by the Secretariat

The following annotated list of the items contained in the provisional agenda for the twenty-third session of the Assembly of States Parties (“the Assembly”) to the Rome Statute of the International Criminal Court (ICC-ASP/23/1) has been prepared to assist the Assembly in its consideration of issues before it at its twenty-third session, which will be convened in The Hague on Monday, 2 December 2024 at 10 a.m. The status of the documentation reflected herein is current as at 20 September 2024.

**1. Opening of the session by the President**

In accordance with article 112, paragraph 6, of the Rome Statute, the Assembly meets once a year in regular session. At the 10th meeting of the twenty-second session, on 14 December 2023, the Assembly decided to hold its twenty-third session in The Hague from 2 to 7 December 2024.

**2. Silent prayer or meditation**

Pursuant to rule 43 of the Rules of Procedure of the Assembly of States Parties, immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation.

**3. Adoption of the agenda**

Rules 10 to 13 and 18 to 22 of the Rules of Procedure concerning the agenda are applicable to regular sessions.

In accordance with rules 10 and 11 of the Rules of Procedure, the provisional agenda for the twenty- third session was issued on 18 January 2024. In accordance with rule 19 of the Rules of Procedure, the agenda shall be submitted to the Assembly for approval as soon as possible after the opening of the session.

*Documentation*

Provisional agenda (ICC-ASP/23/1)

**4. States in arrears**

According to article 112, paragraph 8, of the Rome Statute, “A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.”

At its twenty-second session, the Assembly decided 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.<sup>1</sup>

*Documentation*

Report of the Bureau on the arrears of States Parties (ICC-ASP/23/16)

**5. Credentials of representatives of States at the twenty-third session***a) Appointment of the Credentials Committee*

Rule 25 of the Rules of Procedure of the Assembly of States Parties provides that a Credentials Committee shall be appointed at the beginning of each session. It shall consist of representatives of nine States Parties, which shall be appointed by the Assembly on the proposal of the President.

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<sup>1</sup> *Official Records...Twenty-second session... 2023* (ICC-ASP/22/20), vol. I, part III, ICC-ASP/22/Res.3, annex I, para. 16(b).

*b) Report of the Credentials Committee*

Representation and credentials are regulated by rules 23 to 28 of the Rules of Procedure. In accordance with rule 24, the credentials of representatives of States Parties and the names of alternates and advisers shall be submitted to the Secretariat if possible not later than 24 hours after the opening of the session. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them.

Under rule 25, a Credentials Committee, consisting of representatives of nine States Parties to be appointed at the beginning of each session by the Assembly on the proposal of the President, shall examine the credentials of representatives of States Parties and report to the Assembly without delay.

**6. Organization of work**

The Assembly will consider and adopt a programme of work at the beginning of the session on the basis of a proposal by the Bureau.

**7. General debate**

Each State Party, Observer State, Invited State, international organizations and a limited number of representatives of non-governmental organizations shall be invited to participate in the general debate. The modalities of holding the general debate will be by in-person statements. Other statements may be submitted as a written statement or as a pre-recorded video, which will be posted on the Assembly webpage.

*No documentation*

**8. Report on the activities of the Bureau**

In accordance with article 112, paragraph 2(c), of the Rome Statute, the Assembly shall consider the reports and activities of the Bureau and take appropriate action in that regard.

*Documentation*

Report of the Bureau on the Study Group on Governance (ICC-ASP/23/9)

Report of the Bureau on Legal aid (ICC-ASP/23/11)

Report of the Bureau on the arrears of States Parties (ICC-ASP/23/16)

Annual report of the Head of the Independent Oversight Mechanism (ICC-ASP/23/18)

Report of the Court on cooperation (ICC-ASP/23/21)

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/23/22)

Report of the Bureau on cooperation (ICC-ASP/23/23)

Report of the Bureau on complementarity (ICC-ASP/23/24)

Report of the Working Group on Amendments (ICC-ASP/23/26)

Report of the Bureau on the Review of the work and the operational mandate of the Independent Oversight Mechanism (ICC-ASP/23/27)

Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/23/28)

Report of the Bureau on the review of the procedure for the nomination and election of judges (ICC-ASP/23/29)

Report of the Bureau on the Budget sub-topics of Budget Management Oversight and Premises (ICC-ASP/23/30)

Report of the Bureau on non-cooperation (ICC-ASP/23/31)

Report on the constitution and activities of the International Criminal Court Bar Association (“ICCBA”) (ICC-ASP/23/32)

#### **9. Report on the activities of the Court**

Under article 112, paragraph 2(b), of the Rome Statute, the Assembly shall provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court. In accordance with article 112, paragraph 5, of the Rome Statute, the President of the Court, the Prosecutor and the Registrar or their representatives may participate in meetings of the Assembly. As provided in rule 34 of the Rules of Procedure, they may make oral or written statements and provide information on any question under consideration. Accordingly, the President of the Court will present a report on the activities of the Court since the twenty-second session of the Assembly.

##### *Documentation*

Report on the activities of the International Criminal Court (ICC-ASP/23/19)

#### **10. Report of the Board of Directors of the Trust Fund for Victims**

By its resolution ICC-ASP/1/Res.6,<sup>2</sup> the Assembly established a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, as well as a Board of Directors of the Trust Fund for the benefit of victims.

In accordance with paragraph 11 of resolution ICC-ASP/1/Res.6, the Board shall report annually to the Assembly on the activities and projects of the Fund and on all offered voluntary contributions, regardless of whether they were accepted or refused.

##### *Documentation*

Report of the Board of Directors of the Trust Fund for Victims to the Assembly of States Parties on the activities of the Trust Fund for the period 1 July 2023 to 30 June 2024 (ICC-ASP/23/4)

#### **11. Review of the International Criminal Court and the Rome Statute system**

Further to the decision of the Assembly at the nineteenth session to establish a Review Mechanism under the auspices of the Assembly, led by two State Party Representatives and supported by three ad country focal points,<sup>3</sup> and its decision at the twenty-second session to extend the mandate of the Review Mechanism for an additional year,<sup>4</sup> the Assembly will consider the report and recommendations of the Review Mechanism and take decisions thereon.

##### *Documentation*

Report of the Review Mechanism submitted pursuant to ICC-ASP/22/Res.6, paragraph 12 (ICC-ASP/23/14)

#### **12. Election of the members of the Board of Directors of the Trust Fund for Victims**

By resolution ICC-ASP/1/Res.6, the Assembly established a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, as well as a Board of Directors of the Trust Fund. The relevant resolutions for the

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<sup>2</sup> *Official Records ... First session, New York, 3-10 September 2002* (ICC-ASP/1/3 and Corr.1), part IV.

<sup>3</sup> ICC-ASP/19/Res.7, para. 4.

<sup>4</sup> ICC-ASP/22/Res.6, para. 5.

nomination and election of the members of the Board are ICC-ASP/1/Res.6 (as amended by resolutions ICC-ASP/4/Res.5 and ICC-ASP/4/Res.7) and ICC-ASP/1/Res.7.

At its third meeting, on 6 March 2024, the Bureau decided that the eighth election of the members of the Board of Directors of the Trust Fund for Victims would be held during the twenty-third session of the Assembly and that the nomination period would run from 3 June to 25 August 2024 (Central European Time). On 25 August 2024, since the number of candidates remained less than the number of seats and not all regions had presented a candidate, the President extended the nomination period for a period of two weeks, until 8 September 2024 (Central European Time), pursuant to paragraph 4 of resolution ICC-ASP/1/Res.7. At the close of the extended nomination period, on 8 September 2024, six candidates had been nominated. Of the six nominations, two were submitted by the Group of African States; one by the Group of Asia-Pacific States; one by the group of Eastern European States; one by the Group of Latin American and Caribbean States; and one by the Group of Western European and other States.

The Assembly will elect the five members of the Board of Directors for a three-year term, to commence on 2 December 2024, to fill the vacancies arising upon the conclusion of the terms of office of the five current members of the Board on 1 December 2024.

#### *Documentation*

Eighth election of members of the Board of Directors of the Trust Fund for Victims (ICC-ASP/23/7)

### **13. Election of five members of the Committee on Budget and Finance**

By resolution ICC-ASP/1/Res.4, the Assembly established a Committee on Budget and Finance composed of 12 members of different nationalities who shall be experts of recognized standing and experience in financial matters at the international level from States Parties. They shall be elected by the Assembly for a term of office of three years on the basis of equitable geographical distribution.

By resolution ICC-ASP/22/Res.8, the Assembly decided to increase the total number of seats in the Committee to 17 seats, and decided that the election of five new members of the Committee should be held during the twenty-third session of the Assembly.<sup>5</sup> On 6 March 2024, the Bureau of the Assembly of States Parties decided that the nomination period for the candidates for five seats on the Committee on Budget and Finance would run from 3 June to 25 August 2024 (Central European Time).

The distribution of the five additional seats among the regional groups pursuant to resolution ICC-ASP/22/Res.8 is as follows:

- (a) African States- two seats;
- (b) Asia-Pacific States- one seat
- (c) Eastern European States- one seat; and
- (d) Latin American and Caribbean States- one seat..

At the close of the nomination period on 25 August 2024, since the number of candidates remained less than the number of seats and not all regions had presented a candidate, the President extended the nomination period for a period of two weeks, until 8 September 2024 (Central European Time), pursuant to ICC-ASP/1/Res.5. At the end of the extended nomination period, the number of candidates remained less than the number of seats and not all regions had presented a candidate. The President therefore extended the nomination period for a further period of two weeks, until 22 September 2024.

The members will be elected for three-year terms commencing on 1 January 2025 and ending on 31 December 2027, in accordance with the 12 November 2019 recommendation of the Bureau ([https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP18/ICC-ASP-18-Bureau-10.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP18/ICC-ASP-18-Bureau-10.pdf)).

<sup>5</sup> ICC-ASP/22/Res.8, paras. 1 and 3.

*Documentation*

Election of members of the Committee on Budget and Finance (ICC-ASP/23/8)

**14. Election of the members of the Advisory Committee on nominations of judges**

Article 36, paragraph 4 (c), of the Rome Statute provides that the Assembly “may decide to establish, if appropriate, an Advisory Committee on nominations. In that event, the Committee’s composition and mandate shall be established by the Assembly of States Parties.” At the eleventh session, the Assembly established the Advisory Committee and, on the recommendation of the Bureau,<sup>6</sup> appointed by consensus the nine members of the Committee. At its twentieth session, the Assembly, on the recommendation of the Bureau, appointed by consensus the nine members of the Advisory Committee on nominations for a three-year term commencing on 9 December 2021. The Assembly will, on the recommendation of the Bureau, appoint members of the Advisory Committee.

*Documentation*

Designation of the members of the Advisory Committee on Nominations (ICC-ASP/23/6)

**15. Consideration and adoption of the budget for the twenty-third financial year**

In accordance with article 112, paragraph 2(d), of the Rome Statute, the Assembly shall consider and decide on the budget of the Court.

Regulation 3 of the Financial Regulations and Rules of the Court provides that the Registrar shall prepare the proposed programme budget for each financial period and submit it to the States Parties as well as to the Committee on Budget and Finance for consideration. The Committee shall make the relevant recommendations to the Assembly.

At its third session, the Assembly endorsed the recommendation of the Committee that the Court should include in future performance reports data on financial performance and results achieved rather than outputs. This information should be submitted annually to the Assembly through the Committee either in the draft programme budget or in a separate performance report.<sup>7</sup>

*Documentation*

Report of the Committee on Budget and Finance on the work of its forty-third session (ICC-ASP/23/5)<sup>8</sup>

Proposed Programme Budget for 2025 of the International Criminal Court (ICC-ASP/23/10)<sup>9</sup>

Report of the Committee on Budget and Finance on the work of its forty-fourth session (ICC-ASP/23/15)<sup>10</sup>

Report on activities and programme performance of the International Criminal Court for the year 2023 (ICC-ASP/23/3)

Report of the Court on Human Resources Management (ICC-ASP/23/2)

Report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council (ICC-ASP/23/17)

Report of the Committee on Budget and Finance on the work of its forty-fifth session (ICC-ASP/23/25)<sup>11</sup>

<sup>6</sup> Report of the Bureau Working Group on the Advisory Committee on Nominations (ICC-ASP/11/47).

<sup>7</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part II.A.8 (b), para. 50, and part II.A.1, para. 4.

<sup>8</sup> *Official Records... Twenty-third session.... 2024* (ICC-ASP/23/20), vol. II, part B.1.

<sup>9</sup> *Ibid.*, part A.

<sup>10</sup> *Ibid.*, part B.2.

<sup>11</sup> *Ibid.*, part B.3.

Report of the Bureau on the Budget sub-topics of Budget Management Oversight and Premises (ICC-ASP/23/30)

Proposed Programme Budget for 2025 of the International Criminal Court – Executive Summary (ICC-ASP/23/INF.2)

## 16. Consideration of the audit reports

Regulation 12 of the Financial Regulations and Rules provides that the Assembly shall appoint an Auditor to conduct audits in conformity with generally accepted common auditing standards, subject to any special directions of the Assembly and in accordance with the additional terms of reference set out in the annex to the Financial Regulations and Rules.

At its nineteenth session, the Assembly decided to appoint the Board of Audit and Inspection of the Republic of Korea as the new External Auditor of the Court and the Trust Fund for Victims for four years starting with the financial year 2021.<sup>12</sup>

In accordance with regulation 12.7, the External Auditor shall issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period. In accordance with regulations 12.8 and 12.9, audit reports, before their submission to the Assembly, are subject to examination by the Registrar and the Committee on Budget and Finance. The Assembly considers and approves the financial statements and audit reports forwarded to it by the Committee.

The Assembly will also consider the reports of the Audit Committee on the work of its nineteenth and twentieth sessions.<sup>13</sup>

### *Documentation*

Financial statements of the International Criminal Court for the year ended 31 December 2023 (ICC-ASP/23/12)<sup>14</sup>

Financial statements of the Trust Fund for Victims for the year ended 31 December 2023 (ICC-ASP/23/13)<sup>15</sup>

## 17. Cooperation

By resolutions ICC-ASP/15/Res.3<sup>16</sup> and ICC-ASP/15/Res.5,<sup>17</sup> the Assembly requested 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. This mandate was reiterated on 13 and 14 December 2023, by resolutions ICC-ASP/22/Res.3<sup>18</sup> and ICC-ASP/22/Res.5<sup>19</sup> respectively.

On 5 December 2024, the Assembly will hold a plenary session on cooperation.

### *Documentation*

Report of the Court on cooperation (ICC-ASP/23/21)

Report of the Bureau on cooperation (ICC-ASP/23/23)

## 18. Amendments to the Rome Statute and the Rules of Procedure and Evidence

By resolution ICC-ASP/8/Res.6, the Assembly established a Working Group of the Assembly of States Parties for the purpose of considering, as from its ninth session, amendments to the Rome Statute proposed in accordance with article 122, paragraph 1, of

<sup>12</sup> *Official Records ... Nineteenth session ...* 2020 (ICC-ASP/19/20), vol. I, part III, ICC-ASP/19/Res.1, para 1.2.

<sup>13</sup> Available on the website of the Assembly at [http://asp.icc-cpi.int/en\\_menus/asp/AuditCommittee](http://asp.icc-cpi.int/en_menus/asp/AuditCommittee).

<sup>14</sup> *Official Records... Twenty-third session.... 2024* (ICC-ASP/23/20), vol. II, part C.1.

<sup>15</sup> *Ibid.*, part C.2.

<sup>16</sup> Para. 31.

<sup>17</sup> Annex I, para. 3 (h).

<sup>18</sup> Annex I, para. 3 (g).

<sup>19</sup> Para 32.

the Statute at its eighth session,<sup>20</sup> as well as any other possible amendments to the Rome Statute and to the Rules of Procedure and Evidence, with a view to identifying amendments to be adopted in accordance with the Rome Statute and the Rules of Procedure of the Assembly of States Parties.

The Assembly will consider the report of the Working Group on Amendments.

*Documentation*

Report of the Working Group on Amendments (ICC-ASP/23/26)

**19. Decision concerning the date of the next session of the Assembly of States Parties**

In accordance with rule 5 of the Rules of Procedure of the Assembly of States Parties, the date of commencement and the duration of each session of the Assembly shall be decided by the Assembly at its previous session. The Assembly will take a decision on the dates and venue of its twenty-fourth session and the venue of its twenty-fifth session.

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

In accordance with paragraph 4 of the annex to resolution ICC-ASP/1/Res.4, the Committee on Budget and Finance shall meet when required and at least once per year. The dates of the forty-sixth, forty-seventh and forty-eighth sessions of the Committee are reflected in the report of the Committee on the work of its forty-fifth session.<sup>21</sup> The Assembly will take a decision on the dates and venue of the forty-sixth, forty-seventh and forty-eighth sessions of the Committee.

**21. Other matters**

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<sup>20</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, annex II.

<sup>21</sup> ICC-ASP/23/25/.