

**Twenty-third Session**

The Hague, 2-7 December 2024

**Report of the Review Mechanism submitted pursuant to resolution ICC-ASP/22/Res.6, paragraph 12****I. Introduction**

1. The present report of the Review Mechanism (“Mechanism”) is submitted pursuant to ICC-ASP/22/Res.6<sup>1</sup> and further to the Report of the Mechanism on the overall progress of its work<sup>2</sup> which covered the meetings held in the first semester of 2024.

**II. Mandate of the Review Mechanism**

2. The original mandate of the Mechanism is set out in resolution ICC-ASP/20/Res.3, with specific deadlines for the completion of each stage of its mandate.<sup>3</sup> During 2024, the Review Mechanism and the facilitators carried out the mandate set out in resolution ICC-ASP/22/Res.6. The status of the respective assessments is reflected in the Matrix: Progress in the assessment of the Independent Expert Review (IER) recommendations<sup>4</sup>, which is a living document that would be regularly updated to reflect the implementation stage of the IER recommendations.

3. By resolution ICC-ASP/22/Res.7,<sup>5</sup> the Assembly also decided to implement a tenure policy at the International Criminal Court as of 1 January 2025, and decided also to consider further the Court’s proposal on how to implement the tenure policy. The Assembly requested the Review Mechanism to facilitate this work and to report to thereon to the Assembly in advance of its twenty-third session.<sup>6</sup>

4. In addition to its mandate to facilitate the work on the tenure policy, the Review Mechanism also considered a proposal by a group of States for the introduction of a moratorium on the recruitment of staff from non-States Parties. Finally, the Review Mechanism held one roundtable dedicated to “Workplace culture”, a priority topic for which it had allocated itself responsibility in the Comprehensive Action Plan.<sup>7</sup>

<sup>1</sup> “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:

- a) Progress in the assessment of and possible further action on 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;”

<sup>2</sup> [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/RM-report-overall-progress-2023.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/RM-report-overall-progress-2023.pdf).

<sup>3</sup> ICC-ASP/20/Res.3, paras. 9 and 11.

<sup>4</sup> See Annex V.

<sup>5</sup> Titled “Resolution of the Assembly of States Parties regarding the implementation of the tenure policy”.

<sup>6</sup> ICC-ASP/22/Res.7, para 3.

<sup>7</sup> <https://asp.icc-cpi.int/Review-Court/Action-Plan>.

5. The Review Mechanism held a roundtable on Workplace culture, on 30 September 2024.

### III. The Review Mechanism meetings in 2024

#### 1. Introduction of a tenure policy

6. During 2024, the Review Mechanism considered the introduction of a tenure policy at the International Criminal Court applicable to staff at the P-5 and Director levels, as of 1 January 2025. The Review Mechanism held seven meetings dedicated to this topic. With the exception of the 12 February 2024 meeting, at the request of a State Party all meetings on the introduction of a tenure policy and the introduction of a moratorium (see section 2) were open to States Parties only.. The closed meetings were held pursuant to rule 42 (3) of the Rules of Procedure of the Assembly of States Parties and the Bureau decision of 18 October 2017 adopting the “Understanding on the participation of Observer States in meetings of the Assembly of States Parties”, which allow for closed meetings. This was a departure from the established practice of the Review Mechanism which had, since the inception of its work in 2021, held open meetings in observance of the principles of transparency and openness.

7. At its 12 February meeting, States considered a proposal submitted jointly by Canada, Estonia, South Africa and Sweden (“joint proposal”), which was based on a proposal initially submitted by Sweden at the 22 November 2023 meeting. This proposed related to the application of the tenure policy to the person, not to the post. The latter formulation had been proposed by the Court in 2023. As there was a preference among States Parties to link the tenure policy to the person and not to the post, the joint proposal was widely supported. The Registry undertook to consider the amendments to the Court’s legal framework necessitated by the joint proposal. The Registry found that the joint proposal would require amendments to the ICC Staff Regulations and Rules to enable the Court to effectively implement the tenure policy and also ensure its operational efficiency and staff morale.

8. The Review Mechanism’s meetings of 14 March, 22 April, 13 June, 11 September and 22 October continued the discussions on Tenure.

9. The meetings also considered the mobility exception introduced by a State Party i.e. the possibility for staff on tenured positions to move upwards or downwards. These elements are reflected in the new Staff Rule 104.5*bis* (Maximum aggregate length of service) drafted by the Registry. The new staff rule envisages the possibility that an extension beyond the relevant maximum aggregate length of service may be exceptionally granted by the Prosecutor or Registrar, as appropriate, for no longer than strictly necessary, to meet imperative operational needs in relation to ongoing trial proceedings.

10. Another significant issue raised was whether parental leave should be included in the calculation of the seven-year tenure period. After thorough consultations, including with the Focal Point for Gender and Equality and the Staff Union Council, who supported the proposal, States Parties decided that parental leave would not be included in this calculation. This decision was taken in order to ensure that gender equity is maintained, allowing career progression, particularly for women, to remain unaffected. The Review Mechanism was of the view that this approach would help foster a more inclusive and supportive workplace environment.

11. On 16 July 2024, States Parties approved the revised amendments to Staff Rules and Regulations prepared by the Registry via a silence procedure.<sup>8</sup> These amendments contain all modifications necessary for the introduction of a tenure policy for staff at the P-5 and Director levels, and include text on addressing downward mobility and on parental leave. An important element of the revised Staff Regulations and Rules is the possibility of an exception to the seven-year term, whereby “An extension of a staff member’s appointment beyond the relevant maximum aggregate length of service may be exceptionally granted by the Registrar or the Prosecutor, as appropriate, for no longer than strictly necessary, to meet imperative operational needs in relation to ongoing trial proceedings”.

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<sup>8</sup> See appendices to the draft resolution on “Tenure” contained in annex II.

12. On the basis of discussions throughout the year, and taking into account the Court's legal views on the proposals, the Review Mechanism presented a draft resolution on the introduction of a tenure policy at the 22 October meeting. On the basis of comments by States Parties at the meeting and drafting proposals which were subsequently submitted, the Review Mechanism revised the text of the draft resolution. This text was agreed ad referendum at the 18 November meeting of the Review Mechanism and is contained at annex II to the present report.

## **2. Introduction of a moratorium on the recruitment of staff from non-States Parties**

13. During 2024, the Review Mechanism considered a proposal by the African group of States on the introduction of a moratorium on the recruitment of staff from non-States Parties as of 1 January 2025. The proposal was first introduced in October 2023 with a view to addressing an imbalance in the geographical representation of staff from States Parties, and an addendum was issued on 12 February 2024. The Court provided responses to queries posed by the African group on, inter alia, statistics on the number of staff per post, per region; the nationality of staff from non-States Parties in the Professional category; tax liability for staff of non-States Parties; the various types of contracts in use by the Court, including contractors, consultants and gratis personnel, and the number of staff to which they applied.

14. A revised proposal by the African group on a moratorium on the recruitment of staff from non-States Parties was introduced on 3 June, on the basis of consultations with States Parties and taking into account the views of the Court on the legal implications. At the request of the Review Mechanism, the Court presented its observations on the revised proposal on 10 June 2024. Those views related to the scope and application of the moratorium and exclusions of application of the moratorium. On 5 July, the African group presented an informal negotiated moratorium text, which was discussed at the 11 September meeting of the Review Mechanism.

15. The Review Mechanism took into account the views expressed by States Parties on the informal text, both at the 11 September meeting and in informal discussions among States Parties and consultations of the Chair with interested delegations, and also the Court's views on the legal implications of the proposals contained in that text.

16. The draft negotiated moratorium text was adopted by States Parties via a silence procedure on 16 October 2024. Mindful of all views expressed, and in light of the adoption of the draft text on a moratorium, the Review Mechanism presented a draft resolution on the introduction of a moratorium at the 22 October meeting. On the basis of comments at the meeting and drafting proposals subsequently submitted by States Parties, the Review Mechanism revised the text of the draft resolution. This text was agreed ad referendum at the 18 November meeting of the Review Mechanism and is contained at annex III to the present report.

17. As regards the required amendments to Assembly resolutions, the Review Mechanism noted that this proposal would require the amendment of Assembly resolutions ICC-ASP/1/Res.10 (Selection of the Staff of the ICC) and ICC-ASP/2/Res.3 (Staff Regulations of the ICC), both of which provide that "applications from nationals from non-States Parties may also be considered." States decided that the application of this provision would be suspended for the duration of the moratorium.

18. Another key feature of the proposal is the possibility for the Prosecutor or Registrar, as appropriate, as an extraordinary measure, to approve the recruitment of persons of non-States Parties' nationality to meet exceptional operational needs. The duration of the moratorium is eight (8) years, and a review shall be undertaken at the half-way point, i.e. four (4) years, with the results of the review to be reported to the twenty-seventh session of the Assembly.

19. These amendments to the above-mentioned Assembly resolutions are set out in annex I and annex II to the draft resolution contained in annex III to the present report.

### 3. Roundtable on Working culture

20. In the second semester, the Review Mechanism held one Roundtable on “Working culture”, on 30 September 2024, which addressed ongoing challenges and progress related to workplace culture at the ICC, focusing on IER recommendations R14, R15, R87, R29, and R130. Key issues highlighted included persistent concerns over harassment, discrimination, bullying, staff well-being, and leadership effectiveness. The Registry presented findings from the 2023 Staff Engagement Pulse Survey, which indicated low trust in leadership, reports of misconduct, and a significant stress burden on staff. The Registry informed States that the Court was addressing these issues through various initiatives such as mandatory training, leadership development, anti-harassment toolkits, and expanded learning opportunities.

21. The OTP acknowledged progress but emphasized the need for greater impact, refining action plans and introducing new initiatives such as a 360-degree feedback and training in unconscious bias. The Staff Union Council raised concerns about the ongoing stress, workload, and mental health issues, and proposed (1) the creation of an internal, independent function such as a focal point on workplace culture to prioritize and monitor cultural improvements, and (2) sustained external oversight by State Parties to ensure that working culture remained a priority issue at the Assembly and Bureau meetings. They emphasized that a motivated and healthy workforce was essential for the Court to fulfil its mandate and urged States Parties to remain engaged in addressing these critical issues.

22. The Focal Point for Gender Equality discussed efforts to advance gender equality, while the Ombuds stressed the importance of conflict resolution and shared values to foster a positive workplace. The Independent Oversight Mechanism noted improvements in staff awareness of reporting mechanisms but highlighted a gap in formal reporting due to fear of retaliation.

23. States called for stronger leadership commitment and more transparency in addressing these issues, with an emphasis on maintaining focus on workplace culture, even after the conclusion of the mandate of the Review Mechanism.

24. The Review Mechanism welcomed the participation of the Chair of the Group of Independent Experts, Mr. Richard Goldstone, in the roundtable on Workplace culture, who participated in his personal capacity. States Parties welcomed and appreciated his insights and very helpful contributions.

Workplace culture is a key issue highlighted by the IER Experts, the Review Mechanism, States Parties, the Court's Principals, the Staff Union Council, and other stakeholders. The Review Mechanism recognized this topic as one requiring ongoing attention and follow up in the future.

## IV. Review Mechanism- the way forward

25. The Review Mechanism has prepared a draft resolution titled “Review of the International Criminal Court and the Rome Statute system” (see annex IV). By that resolution, the Assembly would, inter alia, underline the need to continuously observe and safeguard the judicial and prosecutorial independence of the Court and the integrity of the Rome Statute 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.

26. The Assembly would also decide to conclude the mandate of the Review Mechanism, in view of the completion of the assessment of all but one of the 384 recommendations of the Independent Expert Review, namely R140.

27. Importantly, as regards the future work on the review, the Assembly would request the Bureau, through its working groups, to continue to monitor further action and implementation of the recommendations that have been positively assessed or assessed positively with modifications. The resolution also gives mandates to the Assembly mandate-holders and the Court for follow-up work on oversight over the implementation of IER recommendations.

28. As regards the future work on some issues that the Review Mechanism has identified as priority issues, the Assembly would request the Bureau to determine the appropriate forum for overseeing the implementation of the recommendations on the topics for which the Review Mechanism took responsibility, in particular “Working culture”, “Relations with civil society and media”, “Tenure policy”, “A moratorium on the recruitment of staff from non-States Parties” and “the Trust Fund for Victims”. The Mechanism is of the view that there will be a need for constant oversight of developments regarding these issues.

29. The Assembly would also request the Secretariat to keep the “Matrix on Progress in the assessment of the IER recommendations” updated and to circulate the Matrix in advance of each annual session. The Mechanism notes that the title of the Matrix will change since the assessment stage has been completed, and the Assembly will be overseeing the implementation of the recommendations that have been positively assessed or assessed with modifications. As the Review Mechanism has previously mentioned, the Matrix is a living document that would be updated to reflect the status of implementation of the respective IER recommendations.

30. The Review Mechanism has therefore concluded its work, having completed the mandates assigned by the respective Assembly resolutions ICC-ASP/19/Res.7, ICC-ASP/20/Res.4, ICC-ASP/21/Res.4 and ICC-ASP/22/Res.6.

## V. Recommendations of the Review Mechanism

1. The Review Mechanism recommends the adoption of the following resolutions by the twenty-third session of the Assembly of States Parties:
  - a) Draft resolution of the Assembly of States Parties regarding the implementation of the tenure policy (annex II);
  - b) Resolution on the introduction of a moratorium on the recruitment by the International Criminal Court of staff of non-States Parties’ nationality (annex III);
  - c) Draft resolution on the Review Mechanism of the International Criminal Court and the Rome Statute system (annex IV).

### *Acknowledgements*

1. The State Party representatives (Co-Chairs) of the Review Mechanism firstly want to express deep gratitude to the representatives of the *ad country* focal points, Ms. Monica Mosammat Shahanara, Ms. Nawrid Sharmin, and Mr. Nasir Uddin (Bangladesh), Ambassador Jaime Moscoso and Mr. José Juan Hernández (Chile), and Ms. Paulina Dudzik and Mr. Władysław Manteuffel, succeeded by Ms. Katarzyna Padlo-Pekala (Poland), for their supportive role and very valuable inputs into the work of the Mechanism.

2. The members of the Review Mechanism would also like to express their gratitude to the three Court focal points, Mr. Hiram Abtahi, Chef de Cabinet of the Presidency, Mr. Mamadou-Racine Ly, Adviser to the Prosecutor, Immediate Office of the Prosecutor and Ms. Antônia Pereira de Sousa, Chief of Office to the Registrar, for the collaborative work and high spirit of engagement in the work of the Review Mechanism. Their contributions and legal assessments were very helpful to the Review Mechanism in its mandate in 2024,

3. The Mechanism also acknowledges the support and advice of the President of the Assembly, Ms. Päivi Kaukoranta, and a Vice-President, Ambassador Margareta Kassangana (Poland). The Mechanism is deeply indebted to the Assembly Secretariat, in particular Ms. Gaile Ramoutar and Mr. Aaron Matta, for consistent efficient and responsive assistance throughout the work of the Mechanism.

## Annexes

### Annex I

#### Report of the Review Mechanism on the overall progress of its work

Available at:

[https://asp.icc-cpi.int/sites/default/files/asp\\_docs/RM-report-overall-progress-2024.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/RM-report-overall-progress-2024.pdf)

### Annex II

#### Draft resolution of the Assembly of States Parties regarding the implementation of the tenure policy

*The Assembly of States Parties,*

*Taking note* of recommendation R105 on Tenure, of the Group of Independent Experts, *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”,<sup>1</sup>

*Recalling that*, at its twenty first session,<sup>2</sup> the Assembly *endorsed* the positive assessment of recommendation R105 on Tenure for which the Review Mechanism had served as the 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,

*Recalling* its resolution ICC-ASP/22/Res.7 by which it, inter alia, decided to implement a tenure policy as of 1 January 2025,

1. *Reiterates its decision* to implement, as of 1 January 2025, a tenure policy at the International Criminal Court of seven years’ duration, applicable to the P-5 and Director levels;
2. *Adopts* the amendments to the Staff Regulations and Rules, as set out in the appendices to the present resolution, which are necessary to give legal effect to the tenure policy;
3. *Decides* to review, the implementation of the tenure policy within a period of eight years, and subsequently thereafter every three years and *requests* the Bureau, through The Hague Working Group, to report to the thirty-second session of the Assembly of States Parties in 2033 on the first review;
4. *Requests also* the Court to provide an annual report on the implementation of the tenure policy to the Assembly of States Parties, including on the use of the exemptions stated in Staff Rule 104.5*bis*.

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<sup>1</sup> ICC-ASP/19/16, para. 253.

<sup>2</sup> ICC-ASP/21/Res.4, para. 9.

## Appendix I

### Amendments to the Staff Regulations

**1. In regulation 4.5, insert a new paragraph (c):**

(c) As regards appointments pursuant to Staff Regulation 4.5(a), the maximum aggregate length of service of a staff member's appointment(s) either at a P-5 grade or in the Director category shall not exceed a period of seven years, subject to the conditions established by the Registrar, in consultation with the Prosecutor.

## Appendix II

### Amendments to the Staff Rules

**1. In rule 104.1 (Employment contract), insert a new sub-rule (b)(vi):**

(b)(vi) Whether the appointment to the post is subject to the maximum aggregate length of service established in Staff Regulation 4.5(c) and Staff Rule 104.5*bis*.

**2. In rule 104.2 (Letter of appointment), insert a new sub-paragraph (a)(vii):**

(a)(vii) Whether the appointment to the post is subject to the maximum aggregate length of service established in Staff Regulation 4.5(c) and Staff Rule 104.5*bis*.

**3. Insert a new rule 104.5*bis* (Maximum aggregate length of service):**

#### Rule 104.5*bis*

(a) As regards appointments pursuant to Staff Regulation 4.5(a), the maximum aggregate length of service of a staff member's appointment(s) either at a P-5 grade or in the Director category shall not exceed a period of seven years, subject to the following:

- (i) An extension of a staff member's appointment beyond the relevant maximum aggregate length of service may be exceptionally granted by the Registrar or the Prosecutor, as appropriate, for no longer than strictly necessary, to meet imperative operational needs in relation to ongoing trial proceedings;
- (ii) A staff member is eligible for employment to posts at a higher grade or category, in which case a new maximum aggregate length of service of seven years shall apply pursuant to Staff Regulation 4.5(c);
- (iii) A staff member is eligible for employment to any post at a lower grade or category as last held by him or her, for the remainder of the relevant maximum aggregate length of service; and
- (iv) For staff members appointed to a post at the P-5 grade or in the Director category prior to 1 January 2025, the provisions of Staff Rule 104.5*bis* shall apply as from:
  - a) the first extension of their appointments on or after 1 January 2025; or
  - b) the starting date of their appointment to another post at a P-5 grade or in the Director category on or after 1 January 2025, whichever occurs first.

(b) When calculating the maximum aggregate length of service, the following periods of service shall, *inter alia*, be taken into account:

- (i) Periods of service of staff members appointed to a post at the P-5 grade or in the Director category at the Court while on secondment or loan to another

organization or entity shall be counted towards the relevant maximum aggregate length of service;

- (ii) Periods of service of personnel seconded or loaned from another organization or entity to the Court to a post at the P-5 grade or in the Director category shall be counted towards the relevant maximum aggregate length of service where, upon the completion of the secondment or loan, such personnel are appointed to the same post or to any other post at the P-5 grade or in the Director category pursuant to Staff Regulation 4.5(a); and
  - (iii) Where a staff member appointed to a post at the P-5 grade or in the Director category is temporarily assigned to another post at the Court, the period of service during the assignment, irrespective of grade or category, shall be counted towards the relevant maximum aggregate length of service.
- (c) Any periods of leave, excluding parental leave, granted to, or taken by, a staff member appointed to a post at the P-5 grade or in the Director category shall be counted towards the relevant maximum aggregate length of service.

**4. In rule 104.6 (Re-employment and reinstatement), insert new sub-paragraphs (d) and (e):**

(d) Where the maximum aggregate length of service referred to in Staff Regulation 4.5(c) has not been reached, a former staff member is eligible for re-employment (i) to a post, or posts, at the same or lower grade or category as last held by him or her, for the remainder of the period, and (ii) to a post, or posts, at a higher grade or category, for which a new maximum aggregate length of service of seven years shall apply in accordance with Staff Regulation 4.5(c).

(e) Upon reaching the maximum aggregate length of service referred to in Staff Regulation 4.5(c), including any exceptional extension thereof pursuant to Staff Rule 104.5*bis*, a former staff member shall be ineligible for re-employment to a post at the same or lower grade or category as last held by him or her. Notwithstanding, such former staff member shall be eligible for re-employment to a post, or posts, at a higher grade or category, for which a new maximum aggregate length of service of seven years shall apply in accordance with Staff Regulation 4.5(c).



## Annex III

### Draft resolution

#### **Introduction of a moratorium on the recruitment by the International Criminal Court of staff of non-States Parties' nationality**

*The Assembly of States Parties,*

*Taking note* with concern of the status of recruitment by the International Criminal Court of staff of the nationality of non-States Parties and of the statistics relating to such recruitment,

*Determined* to address the imbalance in geographical representation of staff of underrepresented and non-represented States Parties,

*Bearing in mind* that States Parties have agreed through extensive consultations that the moratorium would not compromise the spirit of universality of the Rome Statute, but rather promote it by exempting nationals of non-States Parties who have explicitly expressed their intention to ratify the Rome Statute,

1. *Decides* that, as of 1 January 2025, there shall be in force a moratorium on the recruitment of persons of non-States Parties' nationality to the professional staff category at the P-1 to P-5 and Director levels;
2. *Decides further* that the following conditions shall apply to the moratorium:
  - a) The moratorium applies to external candidates and does not prohibit currently employed staff of non-States Parties' nationality from applying for positions at the same grade, or higher or lower positions.
  - b) The moratorium does not apply to:
    - (i) the recruitment of General service staff and Junior Professional Officers;
    - (ii) the recruitment of non-staff categories, namely interns, visiting professionals, individual contractors, consultants, and gratis personnel;
    - (iii) the recruitment of language service positions in the staff category.
  - c) As an extraordinary measure, the Prosecutor or Registrar, as appropriate, may approve the recruitment of persons of non-States Parties' nationality to meet exceptional operational needs;
  - d) The Prosecutor or Registrar, as appropriate, shall provide an annual report to the Assembly of States Parties through the Bureau of all uses of the exemption referred to in paragraph (c);
  - e) The moratorium does not apply to the recruitment of nationals of non-States Parties that have expressed in an official, publicly verifiable document the intention to ratify the Rome Statute;
  - f) The duration of the moratorium is eight (8) years, and a review shall be undertaken at the half-way point, i.e. four (4) years;
  - g) The results of the review referred to in paragraph (f) shall be reported to the twenty-seventh session of the Assembly.
3. *Decides* to amend resolutions ICC-ASP/1/Res.10 titled "Selection of the staff of the International Criminal Court" and ICC-ASP/2/Res.2 titled "Staff Regulations for the International Criminal Court" as set out in the appendix.

## **Appendix I**

### **Amendment of resolution ICC-ASP/1/Res.10**

#### **Selection of the staff of the International Criminal Court**

In paragraph 4 of the annex to the resolution, add the following sentence at the end of the paragraph:

“The application of the phrase ‘; however, applications from nationals from non-States Parties may also be considered’ shall be suspended for the duration of the moratorium.”

## **Appendix II**

### **Amendment of resolution ICC-ASP/2/Res.2**

#### **Staff Regulations for the International Criminal Court**

In paragraph 4 of the annex to the resolution, add the following sentence at the end of the paragraph:

“The application of the phrase ‘; however, applications from nationals from non-States Parties may also be considered’ shall be suspended for the duration of the moratorium.”

## Annex IV

### Draft resolution

#### 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, ICC-ASP/21/Res.4 of 9 December 2022, and ICC-ASP/22/Res.6 of 14 December 2023, and *reiterating* its commitment to a transparent, inclusive State-Party driven process for 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 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 the State Party-driven process, as well as its reassurance that States Parties would be involved in the discussions on assessment and implementation of recommendations, regardless of whether they had 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,

1. *Commends* the Review Mechanism on the successful completion of its mandate in 2024 as established by resolution ICC-ASP/19/Res.7 and expresses its appreciation to all States Parties, the Court focal points, the Court, NGOs, the Group of Independent Experts and all other stakeholders for their valuable inputs and unwavering support of the work of the Review Mechanism since its establishment;

2. *Welcomes again* the report and recommendations of the Independent Expert Review contained in its report titled “Independent Expert Review of the International Criminal Court and the Rome Statute System - Final Report”,<sup>3</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;
3. *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;<sup>6</sup>
4. *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;
5. *Takes note* once more of the overall response of the Court<sup>7</sup> to the report of the Independent Expert Review submitted pursuant to resolution ICC-ASP/19/Res.7;
6. *Underlines* the need to continuously observe and safeguard the judicial and prosecutorial independence of the Court and the integrity of the Rome Statute 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;
7. *Decides* to conclude the mandate of the Review Mechanism, in view of the completion of the assessment of the 384 recommendations of the Independent Expert Review and the ongoing review of the status of implementation of those recommendations that were assessed positively or assessed positively with modifications;
8. *Requests* the Bureau of the Assembly, through its working groups, to continue to monitor further action and implementation, as appropriate, of the recommendations that have been positively assessed or assessed positively with modifications;  
*Requests* the Bureau to determine the appropriate forum for overseeing the implementation of the recommendations on the topics for which the Review Mechanism took responsibility, in particular “Working culture”, “Relations with civil society and media”, “Implementation of a Tenure policy”, “Implementation of a moratorium on the recruitment of staff from non-States Parties” and “Trust Fund for Victims”;
9. *Requests* the Bureau, through the relevant Assembly mandate-holders designated as responsible for taking possible further action, as appropriate, on relevant recommendations to continue to oversee implementation of the recommendations and to report to the twenty-fourth session of the Assembly on the outcome of their consideration, including on action already taken and proposals for the next steps;
10. *Requests* the Court through its focal points to provide regular updates to the Bureau working groups, through the Assembly mandate-holders, and to other relevant stakeholders, on progress achieved in the implementation of the recommendations of the Group of Independent Experts, including on any impediments to implementation;
11. *Requests* the ASP Secretariat to keep the Matrix on ‘Progress in the assessment of the IER recommendations’ updated and to circulate the Matrix in advance of each annual session.

<sup>3</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>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)

<sup>6</sup> See: Report of the Review Mechanism submitted pursuant to ICC-ASP/20/Res.3, annex I.

<sup>7</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)

## **Annex V**

### **Matrix**

#### **Progress in the assessment of the IER recommendations**

*[link to be inserted]*

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