

**ASSEMBLY OF STATES PARTIES TO  
THE ROME STATUTE OF THE  
INTERNATIONAL CRIMINAL COURT**

**TWENTY-THIRD SESSION  
THE HAGUE, 2-7 DECEMBER 2024**

**OFFICIAL RECORDS  
VOLUME I**

*Note*

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Dec.”.

Pursuant to resolution ICC-ASP/7/Res.6, the Official Records are available in Arabic, English, French and Spanish.

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## Part I Proceedings

### A. Introduction

1. At the 10th plenary meeting of the twenty-second session, on 14 December 2023, the Assembly of States Parties to the Rome Statute of the International Criminal Court (“the Assembly”) decided to hold its twenty-third session in The Hague from 2 to 7 December 2024.<sup>1</sup>
2. In accordance with the Rules of Procedure of the Assembly of States Parties,<sup>2</sup> (“the Rules of Procedure”), the President of the Assembly invited all States Parties to the Rome Statute to participate in the session. Other States that had signed the Statute or the Final Act were also invited to participate in the session as observers.
3. In accordance with rule 92 of the Rules of Procedure, invitations to participate in the session as observers were also extended to representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly of the United Nations pursuant to its relevant resolutions,<sup>3</sup> as well as to representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly.
4. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court, or in consultative status with the Economic and Social Council of the United Nations, whose activities were relevant to the activities of the Court or that had been invited by the Assembly, attended and participated in the work of the Assembly.
5. In accordance with rule 94 of the Rules of Procedure, the following States were invited to be present during the work of the Assembly: Bhutan, Democratic People’s Republic of Korea, Equatorial Guinea, Eswatini, Lao People’s Democratic Republic, Lebanon, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Somalia, South Sudan, Tonga, Turkmenistan and Tuvalu.
6. The session was opened by the President of the Assembly of States Parties, Ms. Päivi Kaukoranta (Finland), who had been elected for the twenty-third to twenty-fifth sessions.<sup>4</sup>
7. At its 1st plenary meeting, on 2 December 2024, the Assembly appointed Mr. Roberto Calzadilla Sarmiento (Bolivia) as Rapporteur for the twenty-third session.
8. The Director of the Secretariat of the Assembly a.i., Ms. Christiane Bourlogianni, acted as Secretary of the Assembly. The Assembly was serviced by the Secretariat.
9. At its 1st plenary meeting, on 2 December 2024, the Assembly observed one minute of silence dedicated to prayer or meditation, in accordance with rule 43 of the Rules of Procedure, and remembered, in particular, victims.
10. At the same meeting, the Assembly adopted the following agenda (ICC-ASP/23/1):
  1. Opening of the session by the President.
  2. Silent prayer or meditation.
  3. Adoption of the agenda.
  4. States in arrears.

<sup>1</sup> The session concluded on 6 December 2024, one day earlier than scheduled.

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

<sup>3</sup> General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31, 57/32, 58/83, 58/84, 58/85, 58/86, 59/48, 59/49, 59/50, 59/51, 59/52, 59/53, 60/25, 60/26, 60/27, 60/28, 61/43, 61/259, 62/73, 62/74, 62/77, 62/78, 63/131, 63/132, 64/3, 64/121, 64/122, 64/123, 64/124, 66/109, 66/113, 69/130, 70/124, 71/153, 71/155, and decision 56/475.

<sup>4</sup> *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), para. 15.

5. Credentials of representatives of States at the twenty-third session:
  - (a) Appointment of the Credentials Committee; and
  - (b) Report of the Credentials Committee.
6. Organization of work.
7. General debate.
8. Report on the activities of the Bureau.
9. Report on the activities of the Court.
10. Report of the Board of Directors of the Trust Fund for Victims.
11. Review of the International Criminal Court and the Rome Statute system.
12. Election of the members of the Board of Directors of the Trust Fund for Victims.
13. Election of five members of the Committee on Budget and Finance.
14. Election of the members of the Advisory Committee on nominations of judges.
15. Consideration and adoption of the budget for the twenty-third financial year.
16. Consideration of the audit reports.
17. Cooperation.
18. Amendments to the Rome Statute and the Rules of Procedure and Evidence.
19. Decision concerning the date of the next session of the Assembly of States Parties.
20. Decisions concerning the dates and venue of the next sessions of the Committee on Budget and Finance.
21. Other matters.

11. The annotated list of items included in the provisional agenda was contained in a note by the Secretariat (ICC-ASP/23/1/Add.1).

12. Also at its 1st plenary meeting, on 4 December 2023, the Assembly agreed on a programme of work and decided to meet in plenary session as well as in the working group format. The Assembly established a Working Group on the Programme Budget for 2025.

13. Ms. Ana Cristina Rodríguez Pineda (Guatemala) was appointed Coordinator of the Working Group on the Programme Budget for 2025. Ms. Beatrice Maillé (Canada) was appointed Coordinator of the consultations on the omnibus resolution.

## **B. Consideration of issues on the agenda of the Assembly at its twenty-third session**

### **1. States in arrears**

14. At its 1st plenary meeting, on 2 December 2024, the Assembly was informed that article 112, paragraph 8, first sentence, of the Rome Statute was applicable to 13 States Parties.

15. The President of the Assembly renewed the appeal to States Parties in arrears to settle their accounts with the Court as soon as possible. The President also appealed to all States Parties to pay their assessed contributions for 2025 in a timely manner.

16. Pursuant to article 112, paragraph 8, of the Rome Statute, two States Parties in arrears submitted requests to the Assembly for exemption from the loss of voting rights. The Assembly approved the requests at its 8th plenary meeting, on 6 December 2024. The delegation of Argentina dissociated itself from the approval of the request by Venezuela. Statements were also made by the delegations of Venezuela and Canada.

## 2. Credentials of representatives of States Parties at the twenty-third session

17. At its twenty-third session, the Assembly appointed the following members of the Credentials Committee: Estonia, Japan, Netherlands, Mexico, Panama, Republic of Korea, Switzerland and Uganda.

18. At its 9th plenary meeting, on 6 December 2024, the Assembly adopted the report of the Credentials Committee (see annex I to this report).

## 3. General debate<sup>5</sup>

19. At the 2nd, 3rd and 4th plenary meetings, on 2 and 3 December 2024, statements were made by the representatives of Andorra; Argentina; Armenia; Australia; Austria; Bangladesh; Belgium; Bolivia (Plurinational State of); Brazil; Bulgaria; Burkina Faso; Canada; Chile; Colombia; Costa Rica; Czech Republic; Democratic Republic of the Congo; Denmark; Djibouti; Ecuador; El Salvador; Estonia; Finland; France; Germany; Ghana; Greece; Guatemala; Hungary on behalf of the European Union; Iceland; Ireland; Italy; Japan; Jordan (Hashemite Kingdom of); Latvia; Liechtenstein; Lithuania; Luxembourg; Malawi; Mali; Malta; Mauritius; Mexico; Mongolia; Namibia; Netherlands (Kingdom of the); New Zealand; Nigeria; North Macedonia; Norway; Panama; Peru; Poland; Portugal; Republic of Korea; Romania; Senegal; Sierra Leone; Slovakia; Slovenia; South Africa; Spain; State of Palestine; Sweden; Switzerland; Tanzania (United Republic of); Trinidad and Tobago; Tunisia; Uganda; United Kingdom of Great Britain and Northern Ireland; Uruguay; Vanuatu; Venezuela (Bolivarian Republic of).

20. Statements were also made by China (People's Republic of); Cuba; and Iran (Islamic Republic of).

21. The following international organizations made statements: Asian-African Legal Consultative Organization; International Humanitarian Fact-Finding Commission; and Parliamentary Assembly of the Mediterranean.

22. A statement was made by the International Criminal Court Bar Association. The following non-governmental organizations also made statements: Atrocities Watch Africa; Center for Truth and Justice; Coalition for the International Criminal Court; Ligue pour la Paix, les Droits de l'Homme et la Justice (LIPADHOJ); On behalf of Addameer, Al-Haq, Al-Haq Europe, Al Mezan, Defense for Children International – Palestine (DCI-P) and Palestinian Centre for Human Rights (PCHR); On behalf of Afghanistan Organization for Development of Human Rights (AODHR), Afghanistan Human Rights and Democracy Organization (AHRDO), the Coalition for the Prevention of Hazara Genocide and the Transitional Justice Coordination Group (TJCG); On behalf of Defender Centre, Ensaf organization, International Commission of Jurists, Lawyers for Justice in Libya, Libya Crimes Watch and Sawt for Human Rights; On behalf of Philippine Coalition for the International Criminal Court (PCICC), Network against Killings in the Philippines (NAKPhil) and CenterLaw; Ukrainian Women Lawyers Association "JurFem"; and Venezuelan Informal Network.

## 4. Report on the activities of the Bureau

23. At its 1st plenary meeting, on 2 December 2023, the Assembly took note of the oral report on the activities of the Bureau,<sup>6</sup> delivered by the President, Ms. Päivi Kaukoranta. The President noted that, since the twenty-second session, the Bureau had held 13 formal meetings in order to assist the Assembly in the discharge of its responsibilities under the Rome Statute.

24. On behalf of the Bureau, the President expressed her satisfaction with the work conducted in 2024 by its working groups in New York and The Hague, and by the facilitators and the ad country focal points, as they had successfully carried out the mandates of the

<sup>5</sup> Some of the statements were delivered in-person and some via written or pre-recorded submissions. The alphabetical list of speakers and all submitted statements can be found on the website of the Assembly at: [https://asp.icc-cpi.int/sessions/general-debate/GeneralDebate\\_23rd\\_session](https://asp.icc-cpi.int/sessions/general-debate/GeneralDebate_23rd_session).

<sup>6</sup> Annex II.

Assembly under the leadership of their respective Coordinators, Mr. Michael Imran Kanu (Sierra Leone) and Ms. Margareta Kassangana (Poland).

25. The President also welcomed the progress made in 2024 in the assessment and implementation of the recommendations contained in the report of the Independent Experts<sup>7</sup> and commended the Review Mechanism on its work over the past four years.

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

26. At its 1st plenary meeting, on 2 December 2024, the Assembly heard statements by Judge Tomoko Akane, President of the Court, and by Mr. Karim Khan, Prosecutor of the Court. At the same meeting, the Assembly took note of the report on the activities of the International Criminal Court.<sup>8</sup>

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

27. At its 1st meeting, on 2 December 2024, the Assembly heard a statement by Ms. Minou Josefina Tavárez Mirabal, Chairperson of the Board of Directors of the Trust Fund for Victims. The Assembly considered and took note of the report on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2023 to 30 June 2024.<sup>9</sup>

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

28. At its 1st plenary meeting, on 2 December 2024, the State Party representatives on the Review Mechanism, Mr. Paul van den IJssel (Netherlands) and Mr. Michael Imran Kanu (Sierra Leone), presented the report of the Review Mechanism submitted pursuant to ICC-ASP/22/Res.6.<sup>10</sup>

29. The 6th plenary meeting, on 4 December 2024, was dedicated to the Review of the International Criminal Court and the Rome Statute system.<sup>11</sup> The plenary discussion provided an interactive platform for the discussion of the topic “Review of the International Criminal Court and the Rome Statute system: Conclusion of the Review Mechanism’s mandate and future of the review process”.

30. At its 9th plenary meeting, on 6 December 2024, the Assembly adopted, by consensus, resolution ICC-ASP/23/Res.2 regarding the implementation of the tenure policy, whereby it decided to introduce a tenure policy at the Court for staff at the P-5 and Director levels as of 1 January 2025. The Assembly also adopted by consensus resolution ICC-ASP/23/Res.3 on the introduction of a moratorium on the recruitment of staff of non-States Parties as of 1 January 2025. It also adopted by consensus resolution ICC-ASP/Res.4 on the review of the Court and the Rome Statute system, by which it, inter alia, requested the Bureau to determine the appropriate forum for overseeing the implementation of the recommendations on the topics for which the Review Mechanism had taken responsibility.

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

31. In a note, dated 13 November 2024, the Secretariat indicated that it had received six candidatures and submitted to the Assembly a list of the six candidates nominated by States Parties for election to the Board of Directors of the Trust Fund for Victims.

32. On 5 December 2024, the Government of the Democratic Republic of the Congo indicated its decision to withdraw its candidate.

33. At its 1st and 8th meetings, on 2 and 6 December 2024, in accordance with paragraph 11 of resolution ICC-ASP/1/Res.7, the Assembly dispensed with a secret ballot and elected

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<sup>7</sup> ICC-ASP/19/16.

<sup>8</sup> ICC-ASP/23/19.

<sup>9</sup> ICC-ASP/23/4.

<sup>10</sup> ICC-ASP/23/14.

<sup>11</sup> <https://asp.icc-cpi.int/sessions/documentation/23rd-session/asp-23-panel-discussions>



by acclamation the following five members of the Board of Directors of the Trust Fund for Victims:

- Mr. Tareque Muhammad (Bangladesh);
- Mr. Andres Parmas (Estonia);
- Ms. Mônica Jacqueline Sifuentes (Brazil);
- Mr. Kevin Kelly (Ireland); and
- Mr. Ibrahim Sorie Yillah (Sierra Leone).

34. By a drawing of lots pursuant to resolution ICC-ASP/20/Res.5, the following two members were elected for two-year terms:

- Ms. Mônica Jacqueline Sifuentes (Brazil); and
- Mr. Ibrahim Sorie Yillah (Sierra Leone).

The other three members elected at the twenty-third session were elected for four-year terms.

35. The terms of the members of the Board elected at the twenty-third session will commence on 6 December 2024.

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

36. In a note, dated 4 November 2024, the Secretariat informed States that it had received four candidatures and submitted to the Assembly a list of the four candidates nominated by States Parties for election to the Committee on Budget and Finance.<sup>12</sup>

37. At its 1st and 8th plenary meetings, on 2 and 6 December 2024, in accordance with resolution ICC-ASP/1/Res.5 of 12 September 2003 and the 6 November 2024 recommendation of the Bureau, the Assembly dispensed with a secret ballot and elected the following four members of the Committee on Budget and Finance by acclamation:

- Mr. Jae Woo Kim (Republic of Korea);
- Mr. Héctor Félix Romero (Argentina);
- Mr. Mustapha Samateh (Gambia); and
- Ms. Glory Geoffrey Sindilo (United Republic of Tanzania).

38. The Assembly elected the members of the Committee for three-year terms commencing on 1 January 2025.

39. The delegation of Venezuela dissociated itself from the election of the member of the Committee from the Group of Latin American and Caribbean States. A statement was also made by the delegation of Argentina.

## **10. Election of the members of the Advisory Committee on the nomination of judges**

40. At its 1st plenary meeting, on 2 December 2024, the Assembly, pursuant to the Terms of Reference of the Advisory Committee on nominations of judges, designated the following nine members of the Advisory Committee on the nominations of judges by acclamation for a three-year term commencing on 2 December 2024:

- Mr. Julian Fernandez (France);
- Mr. Robert Fremr (Czech Republic);
- Mr. Guido Hildner (Germany);
- Ms. Milica Kolaković-Bojović (Serbia);
- Mr. O-Gon Kwon (Republic of Korea);
- Mr. Jaime Moscoso Valenzuela (Chile);
- Ms. Ngozika Okaisabor Uwazurunonye (Nigeria);
- Mr. Diego Pary Rodríguez (Bolivia); and
- Mr. Mauro Politi (Italy).

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<sup>12</sup> ICC-ASP/23/8.

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

41. At its 5th meeting, on 4 December 2024, the Assembly heard statements by Mr. Oswaldo Zavala Giler, Registrar of the Court, and Ms. Monica Sanchez Izquierdo, Chairperson of the Committee on Budget and Finance (“the Committee”).

42. The Assembly, through its Working Group on the Programme Budget, considered the 2025 proposed programme budget, the reports of the Committee on Budget and Finance and the reports of the External Auditor. The Assembly also considered the reports of the Audit Committee.

43. At its 9th meeting, on 6 December 2024, the Assembly adopted the report of the Working Group on the Programme Budget (ICC-ASP/23/WGPB/1) wherein it, inter alia, conveyed the recommendation of the Working Group that the Assembly endorse the recommendations of the Committee at its forty-fifth session with the additional adjustments reflected in resolution ICC-ASP/23/Res.6.

44. At the same meeting, the Assembly also considered and approved, by consensus, the programme budget for 2025.

45. At the same meeting, the Assembly adopted, by consensus, resolution ICC-ASP/23/Res.6 concerning the programme budget in relation to the following:

- (a) Programme budget for 2025, including appropriations totalling €195,481.5 thousand and staffing tables for each of the major programmes. This amount is reduced by the instalments for the host State loan and the portion to be financed from the anticipated 2023 cash surplus;
- (b) Scale of assessment for the apportionment of expenses of the Court;
- (c) Transfer of funds between major programmes under the 2024 approved programme budget;
- (d) Development of budget proposals;
- (e) A strategic approach to an improved budgetary process;
- (f) Working Capital Fund for 2025;
- (g) Contingency Fund;
- (h) Outstanding contributions;
- (i) Referrals by the Security Council;
- (j) Budget Management Oversight;
- (k) Audit;
- (l) Premises of the Court;
- (m) Human Resources;
- (n) Security Blueprint;
- (o) Interpretation for Hague Working Group meetings;
- (p) Travel;
- (q) Family visits for indigent detainees; and
- (r) Voluntary contributions.

**12. Consideration of the audit reports**

46. The Assembly heard a statement from Mr. Werner Druml, Acting Chair of the Audit Committee. The Assembly also heard a statement from the External Auditor. The Assembly took note with appreciation of the reports of the External Auditor on the audit of the financial

statements of the Court for the period 1 January to 31 December 2023<sup>13</sup> and of the Trust Fund for Victims for the same period.<sup>14</sup>

### **13. Cooperation**

47. At its 7th plenary meeting, on 5 December 2024, the Assembly considered the topic of cooperation with the Court, in a plenary panel discussion on the topic “How can States Parties strengthen their support for the Court”.

48. As its 9th plenary meeting, on 6 December 2024, the Assembly adopted, by consensus, resolution ICC-ASP/23/Res.5 on cooperation.

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

49. At its 9th plenary meeting, on 6 December 2024, the Assembly took note of the report of the Working Group on Amendments.<sup>15</sup>

### **15. Decision concerning the dates and venues of the next sessions of the Assembly of States Parties**

50. At its 9th plenary meeting, on 6 December 2024, the Assembly decided to hold its twenty-fourth session in The Hague from 1 to 6 December 2025, and to hold its twenty-fifth session in New York.

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

51. At its 9th plenary meeting, on 6 December 2024, the Assembly decided that the Committee on Budget and Finance would hold its forty-sixth session virtually, on 27 January 2025, and its forty-seventh and forty-eighth sessions from 5 to 9 May and from 1 to 12 September 2025, respectively, in The Hague.

### **17. Other matters**

#### *a) Special Session of the Assembly*

52. The Assembly decided that a Special Session on the review of the amendments on the crime of aggression shall be held at United Nations Headquarters, from 7 to 9 July 2025.

#### *b) Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly*

53. The Assembly noted with satisfaction that one delegation had made use of the Trust Fund to attend the twenty-third session of the Assembly.

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<sup>13</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part C.1.

<sup>14</sup> *Ibid.*, part C.2.

<sup>15</sup> ICC-ASP/23/26.

## Part II

### External audit, programme budget for 2025 and related documents

#### A. Introduction

1. The Assembly of States Parties (“the Assembly”) had before it the 2025 proposed programme budget submitted by the Registrar of the International Criminal Court (“the Court”) on 31 July 2024,<sup>1</sup> the reports of the forty-third,<sup>2</sup> forty-fourth<sup>3</sup> and forty-fifth<sup>4</sup> sessions of the Committee on Budget and Finance (“the Committee”), the reports of the Audit Committee on its nineteenth and twentieth sessions,<sup>5</sup> the financial statements of the Court for the period 1 January to 31 December 2023,<sup>6</sup> and the financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2023.<sup>7</sup> In addition, the Assembly had before it annex V of the report of the Committee on the work of its forty-fifth session, in which the Court outlined the budgetary implications of the Committee’s recommendations on the budgets of the major programmes.

2. The Assembly was provided with statements by the Registrar of the Court, Mr. Oswaldo Zavala Giler, the Chair of the Committee, Ms. Monica Sanchez Izquierdo, the Acting Chair of the Audit Committee, Mr. Werner Druml, and the representative of the External Auditor (the Board of Audit and Inspection (Republic of Korea), Mr. Yangchan Cho).

3. The Working Group on the Programme Budget met on 4 and 6 December 2024. During the meetings, the draft resolution was considered and finalized.

#### B. External audit

4. The Assembly noted with appreciation the reports of the External Auditor and the related comments of the Committee contained in the report on the work of its forty-fifth session.

#### C. Amount of appropriation

5. The Court’s 2025 proposed programme budget amounted to €206,197.5 thousand, including €3,585.1 thousand for Major Programme VII-2 (Host State Loan).

6. The Committee considered the Court’s 2025 proposed programme budget at its forty-fifth session and concluded that there were a number of areas where savings could be made. Accordingly, the Committee recommended that the budget allocation be reduced to a total of €199,502.2 thousand, including €3,585.1 thousand for Major Programme VII-2 (Host State Loan).

7. The Assembly endorsed the recommendations contained in the report of the Committee, with the additional adjustments as reflected in resolution ICC-ASP/23/Res.6. The Assembly therefore approved a budget appropriation for 2025 of €195,481.5 thousand.

8. The Assembly decided that, on a one-time basis, the amount of €928.1 thousand of the total budget appropriations approved by the Assembly for the year 2025, comprising non-recurrent costs, shall be financed using the anticipated 2023 cash surplus arising from the payment of outstanding contributions and shall therefore not be assessed for contributions from States Parties.

9. The Assembly noted that without Major Programme VII-2 (Host State Loan), as well as the portion of the approved budget to be financed from the anticipated 2023 cash surplus, the total level of assessed contributions for the 2025 programme budget amounted to €190,968.3 thousand.

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

<sup>2</sup> *Ibid.*, part B.1.

<sup>3</sup> *Ibid.*, part B.2.

<sup>4</sup> *Ibid.*, part B.3.

<sup>5</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>6</sup> *Ibid.*, part C.1.

<sup>7</sup> *Ibid.*, part C.2.

## **D. Contingency Fund**

10. The Assembly decided to maintain the notional level of the Contingency Fund at €7.0 million. The Assembly also decided that the anticipated cash surplus from 2023<sup>8</sup> shall exceptionally be used to replenish the Contingency Fund.

11. The Assembly authorized the Court to transfer funds between major programmes at year end if the costs of unforeseen activities could not be absorbed within one major programme while a surplus existed in other major programmes, to ensure that all appropriations for 2024 were exhausted before accessing the Contingency Fund.

## **E. Working Capital Fund**

12. The Assembly, recalling its decision that the Working Capital Fund for each year shall be established in the amount of one-twelfth of the approved budget appropriations for the previous year,<sup>9</sup> decided that the Working Capital Fund for 2025 shall be established in the amount of €15.6 million. The Assembly also decided that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

## **F. Financing of appropriations for 2025**

13. The Assembly resolved that, for 2025, the total assessed contributions amounted to €190,968.3 thousand.

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<sup>8</sup> Approximately €3.0 million, subject to final audit.

<sup>9</sup> ICC-ASP/21/Res.1, section B, para 3.

## **Part III**

### **Resolutions adopted by the Assembly of States Parties**

#### **A. Resolutions adopted by the Assembly of States Parties**

##### **Resolution ICC-ASP/23/Res.1**

*Adopted at the 9th plenary meeting, on 6 December 2024, by consensus*

##### **ICC-ASP/23/Res.1**

#### **Strengthening the International Criminal Court and the Assembly of States Parties**

*The Assembly of States Parties,*

*Mindful* that each individual State has the responsibility to protect its population from the crime of genocide, war crimes, and crimes against humanity, that the conscience of humanity continues to be deeply shocked by unimaginable atrocities in various parts of the world, and that the need to prevent and the duty to end the most serious crimes of concern to the international community to put an end to the impunity of the perpetrators of such crimes is now widely acknowledged,

*Recognizing* that the crime of genocide, crimes against humanity, war crimes and the crime of aggression threaten the peace, security and well-being of the world, and *affirming* that these crimes must not go unpunished,

*Convinced* that the International Criminal Court (“the Court”) is an essential means of ending impunity for such crimes and preventing their recurrence, of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law, as well as to the prevention of armed conflicts, the preservation of peace and the strengthening of international security and the advancement of post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, in accordance with the purposes and principles of the Charter of the United Nations,

*Convinced also* that justice and peace are complementary and mutually reinforce each other, in this regard, *encouraging* societies facing conflicts to move from war to peace through peaceful solutions,

*Recalling* the full range of justice and reconciliation mechanisms with restorative measures that are complementary to criminal justice processes, including truth and reconciliation commissions, national reparations programmes and institutional and legal reforms, including guarantees of non-recurrence,

*Welcoming* the commitments to strengthen efforts to build peaceful, just and inclusive societies for sustainable development, to provide access to justice for all and build effective, accountable and inclusive institutions at all levels, and to uphold human rights and fundamental freedoms, as provided in United Nations General Assembly resolution 79/1 of 22 September 2024,

*Convinced* that justice and the fight against impunity and holding to account the perpetrators of the most serious crimes of concern to the international community and persons criminally responsible under the Rome Statute are, and must remain, indivisible and that in this regard universal adherence to the Rome Statute is essential,

*Welcoming* the Court’s central role as the only permanent international criminal court within an evolving system of international criminal justice and the contribution of the Court to guarantee lasting respect for and the enforcement of international justice,

*Recalling* the primary responsibility of national jurisdictions to investigate and prosecute the most serious crimes of international concern and the increased need for cooperation in ensuring that national legal systems are capable of investigating and prosecuting such crimes,

*Reaffirming* its commitment to the Rome Statute and its determination that the most serious crimes of concern to the international community as a whole must not go unpunished, and *underlining* the importance of the willingness and ability of States to genuinely investigate and prosecute such crimes,

*Welcoming* the efforts and achievements of the Court in bringing those most responsible for the crimes under the Rome Statute to justice and thus to contribute to the prevention of such crimes and *noting* the jurisprudence of the Court on the issue of complementarity,

*Welcoming* in this regard relevant contributions from the Court relating to gender-based crimes<sup>1</sup> as well as from States Parties and other relevant actors, and *convinced* that these initiatives should be an integral part of strategic dialogues and actions to strengthen the Court and national courts in the fight against impunity, while fully respecting their judicial independence,

*Recalling* that the application of articles 17, 18 and 19 of the Rome Statute concerning the admissibility of cases before the Court is a judicial matter to be determined by the judges of the Court,

*Recalling also* that greater consideration should be given to how the Court will complete its activities in a situation country,

*Recognizing* that crimes within the jurisdiction of the Court threaten the peace, security and well-being of the world and, in consequence, that these are values protected by the Rome Statute,

*Underscoring* its respect for the independence and impartiality of the Court and its commitment to ensuring respect for and the implementation of the Court's judicial decisions and delivering justice to victims equally,

*Recalling* the statement by the President of the Security Council of 12 February 2013 in which the Council stated its intention to continue fighting impunity, reiterated its previous call regarding the importance of State cooperation with the Court in accordance with the respective obligations of States and expressed its commitment to effective follow-up of Council decisions in this regard,

*Recalling also* the decision by the Assembly of States Parties ("the Assembly") to establish a representation of the Court at the African Union Headquarters in Addis Ababa, and *reiterating* that such presence would promote dialogue with the Court and the understanding of its mission within the African Union and among African States, individually and collectively,

*Welcoming* the Report on the desirability and feasibility of establishing regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute submitted by the Registrar,<sup>2</sup>

*Reaffirming* the importance of States Parties' cooperation with the Court to the fulfilment of its mandate and *gravely concerned* by the repeated attempts at intimidation to deter cooperation with the Court and its officials,

*Gravely concerned* by the malicious cyber activity directed at the Court and its Information Technology infrastructure in 2023 and *welcoming* the efforts undertaken by the Court in response to this incident, including the building of resilience and the reduction of vulnerabilities through the development of a comprehensive Security Blueprint for the Court's future Information Technology architecture,

*Appreciating* the invaluable assistance that has been provided by civil society to the Court and *gravely concerned* by the recent reports of attacks, threats and intimidation directed at some civil society organizations and those cooperating with the Court,

*Welcoming* the continued efforts undertaken by the Bureau and its working groups to identify ways to strengthen the International Criminal Court and the Rome Statute system

<sup>1</sup> <https://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>.

<sup>2</sup> CBF/44/17.

through concrete, actionable recommendations aimed at enhancing the performance, efficiency and effectiveness of the Court,

*Emphasizing* the importance of equitable geographical representation and gender balance in the organs of the Court and, as appropriate, in the work of the Assembly and its subsidiary bodies and *emphasizing also* the need to promote diversity, and especially the participation of women, in the work of the Assembly and its subsidiary bodies,

*Recognizing* that victims' rights to equal and effective access to justice, protection and support; adequate and prompt reparation for harm suffered; and access to relevant information concerning violations and redress mechanisms are essential components of justice, *emphasizing* the importance of effective outreach to victims and affected communities in order to give effect to the unique mandate of the Court towards victims and *determined* to ensure the effective implementation of victims' rights, which constitute a cornerstone of the Rome Statute system, and *emphasizing* the essential role of the Trust Fund for Victims to help make the Court's justice a reality for victims,

*Emphasizing* the importance for the Court to conduct its work in both its working languages, as well as in other official languages, if authorized according to rule 41 of the Rules of Procedure and Evidence, which can contribute to ensuring victims' right to justice,

*Conscious* of the vital role of field operations in the Court's work in situation countries, of the risks faced by personnel of the Court in the field and the importance of stakeholders working together to create suitable conditions for field operations, so *noting with appreciation* the work carried out by country offices,

*Recalling* that the Court acts within the constraints of an annual programme budget approved by the Assembly,

1. *Reconfirms* its unwavering support for the Court as an independent and impartial judicial institution, *reiterates* its commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats or measures against the Court, its officials and those cooperating with it, and *renews* its resolve to stand united against impunity;
2. *Underlines* that the Court, its officials and staff shall be able to carry out their mandate and professional duties without intimidation; and *condemns* any threats, attacks, incitement or interference thereto, including any attempt to implement sanctions or measures of a similar effect, against the Court, its personnel or those cooperating with it;
3. *Takes note* of the Statement of the Office of the Prosecutor of 3 May 2024 and the Statement by the Presidency of the Assembly of 17 May 2024 and *is gravely concerned* by any attempts to retaliate against an official of the Court on account of duties performed by that or another official and any attempts to impede, intimidate or corruptly influence an official of the Court for the purpose of forcing or persuading the official not to perform, or to perform improperly, his or her duties, and *recalls* that such threats may constitute an offence against the administration of justice under article 70 of the Rome Statute;
4. *Reaffirms* its support for the consistent implementation of the Court's mandate across the situations and cases under its jurisdiction in the interests of justice and the victims' right of access to justice, and *stresses* the need for sustainable resources for all situations and cases as well as cooperation with the Court to that end;

## **A. Universality of the Rome Statute**

5. *Welcomes* the State that has ratified the Rome Statute since the twenty-second session, *invites* States not yet parties to the Rome Statute to become parties to the Rome Statute, as amended, as soon as possible and *calls upon* all States Parties, all international and regional organizations, and civil society to intensify their efforts to promote the universality and full implementation of the Rome Statute;
6. *Invites* all States Parties not yet parties to the Agreement on the Privileges and Immunities of the International Criminal Court, to become parties to this Agreement;



7. *Notes with deep regret* the notification of withdrawal from the Rome Statute submitted by a State Party under article 127(1) of the Statute on 17 March 2018 as well as the withdrawal of its instrument of accession by another State on 29 April 2019, and *calls upon* these States to reconsider these withdrawals;<sup>3</sup>

8. *Welcomes with appreciation* the continuation by the President of the Assembly of the dialogue on the “Relationship between Africa and the International Criminal Court” initiated by the Bureau during the fifteenth session of the Assembly and *invites* the Bureau to further widen and deepen this dialogue as needed with all interested States Parties;

9. *Welcomes* the initiatives undertaken to celebrate 17 July as the Day of International Criminal Justice<sup>4</sup> and *recommends* that, on the basis of lessons learnt, all relevant stakeholders, together with the Court, continue to engage in preparation of appropriate activities and share information with other stakeholders to that effect through the Secretariat of the Assembly<sup>5</sup> and otherwise;

10. *Decides* to keep the status of ratifications under review and to monitor developments in the field of implementing legislation, inter alia with a view to facilitating the provision of technical assistance that States Parties to the Rome Statute, or States wishing to become parties thereto, may wish to request from other States Parties or institutions in relevant areas, and *calls upon* States to annually provide the Secretariat of the Assembly with updated information about actions and activities in support of international justice, as per 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 (“Plan of Action”);<sup>6</sup>

11. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of criminal law, criminal procedural law, and international cooperation and judicial assistance with the Court and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority and *encourages* the adoption of victims-related provisions, as and when appropriate;

12. *Welcomes* the report of the Bureau on the Plan of action<sup>7</sup> and *notes with appreciation* the efforts of the Court’s President, the Office of the Prosecutor, the President of the Assembly, the Assembly, States Parties and civil society to enhance the effectiveness of universality-related efforts and to encourage States to become parties to the Rome Statute, as amended, and to the Agreement on the Privileges and Immunities of the International Criminal Court, as well as relevant efforts undertaken in the framework of the Universal Periodic Review of the Human Rights Council;

13. *Recalls* rule 42 of the Rules of Procedure of the Assembly of States Parties, and *underscores* the importance of promoting the universality of the Rome Statute and of strengthening the openness and transparency of the Assembly;

14. *Also recalls* the processes and initiatives carried out on the occasion of the 25th anniversary of the adoption of the Rome Statute and *takes note* of their outcomes, including the “Siracusa Declaration on ensuring consistent and sustainable support for the International Criminal Court” and the “Ethical Principles for International Criminal Judges”;

## **B. Agreement on Privileges and Immunities**

15. *Welcomes* the States Parties that have become a party to the Agreement on the Privileges and Immunities of the International Criminal Court and *recalls* that the Agreement and international practice exempt salaries, emoluments and allowances paid by the Court to its officials and staff from national taxation, and in this regard *calls upon* States Parties, as well as non-States Parties that have not yet done so to become parties to this Agreement as a matter of priority and to take the necessary legislative or other action, pending their ratification or

<sup>3</sup> Depository Notification C.N.138.2018.TREATIES-XVIII.10, see at: <https://treaties.un.org/doc/Publication/CN/2018/CN.138.2018-Eng.pdf>.

<sup>4</sup> *Official Records... Review Conference...* 2010 (RC/11), part II.B, Kampala declaration (RC/Decl.1), para 12.

<sup>5</sup> See at: <https://asp.icc-cpi.int/asp-events/ICJD/default>.

<sup>6</sup> ICC-ASP/5/Res.3, annex I, para. 6(h).

<sup>7</sup> ICC-ASP/23/22.

accession, to exempt their nationals employed by the Court from national income taxation with respect to salaries, emoluments and allowances paid to them by the Court, or to grant relief in any other manner from income taxation in respect of such payments to their nationals;

16. *Reiterates* the obligations of States Parties to respect on their territories such privileges and immunities of the Court as are necessary for the fulfilment of its purposes and *appeals* to all States which are not party to the Agreement on Privileges and Immunities in which the Court's property and assets are located or through which such property and assets are transported, to protect the property and assets of the Court from search, seizure, requisition and any other form of interference;

### C. Cooperation

17. *Refers* to its resolution ICC-ASP/23/Res.5 on cooperation;

18. *Calls upon* States Parties to comply with their obligations under the Rome Statute, in particular the obligation to cooperate in accordance with Part 9, and *also calls upon* States Parties to ensure full and effective cooperation with the Court in accordance with the Rome Statute, in particular in the areas of implementing constitutional and legislative framework, enforcement of Court decisions and execution of arrest warrants;

19. *Reaffirms* the importance of supporting all those cooperating with the Court, including States and relevant international bodies and entities, in order to secure the ability of the Court to fulfil its critical mandate of holding accountable perpetrators of the most serious crimes of concern to the international community and delivering justice to victims;

20. *Calls upon* States Parties to continue to express their political and diplomatic support to the Court, *recalls* the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2 and *encourages* States Parties and the Court to consider further measures to enhance their implementation and to strengthen their efforts to ensure full and effective cooperation with the Court;

21. *Urges* States Parties, in the face of threats or coercive measures as a means of attempting to impede or influence the work of the Court, to give full effect to the relevant provisions of the Rome Statute<sup>8</sup> and, as appropriate, the Agreement on the Privileges and Immunities of the International Criminal Court<sup>9</sup> concerning the privileges and immunities of elected officials, staff of the Court, counsel and persons assisting defence counsel, including their immunity which shall continue to be accorded after the expiry of their terms of office, termination of their employment with the Court or cessation of their functions, and to take any action if deemed necessary by the security or other assessment made by a State Party, in accordance with the existing legal framework, to ensure their security, safety and protection against any undue hindrance created by such coercive measures;

22. *Welcomes* the Court's Concept Note on protection of former officials against coercive measures, prepared pursuant to paragraph 22 of resolution ICC-ASP/22/Res.3 and its annex I, as an important platform to facilitate the Court's engagement with States Parties on this subject, and *underlines* the importance of the recommended actions contained therein to protect elected officials against such coercive measures, and the need to adopt such measures in all relevant cases;

23. *Reaffirms* the incompatibility of the consequences of coercive measures against the Court with States Parties' obligations under the Rome Statute, the Agreement on the Privileges and Immunities of the Court, and the Headquarters Agreement;

24. *Welcomes* the Court's report and comprehensive presentation on cooperation,<sup>10</sup> which contain disaggregated data over the responses provided by States Parties, including highlighting the main challenges;

<sup>8</sup> Article 48, paragraphs 2 and 3, of the Rome Statute of the International Criminal Court.

<sup>9</sup> Article 15, paragraph 1, article 16, paragraph 1 (b) and article 18, paragraph 1 (b), of the Agreement on the Privileges and Immunities of the International Criminal Court.

<sup>10</sup> ICC-ASP/23/21.

25. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants;
26. *Recalls* that international cooperation and judicial assistance are governed by Part 9 (articles 86 to 102) of the Rome Statute;
27. *Underlines* the necessity to continue the discussions between the co-facilitators on cooperation and the focal points on non-cooperation and the Court;
28. *Welcomes* the plenary session on cooperation held during the twenty-third session of the Assembly of States Parties, which offered an opportunity for an enhanced dialogue between States Parties, the Court and members of civil society on voluntary cooperation, as well as a more technical discussion regarding ways States Parties can strengthen their support for the Court with existing tools, specifically by signing and ratifying the Agreement on the Privileges and Immunities of the Court, and *also welcomes* the signing of an enforcement of sentences cooperation agreement concluded between Poland and the Court during this Assembly;
29. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitating cooperation between the Court, States Parties, other States and international organizations;
30. *Recalls* the importance of the non-legally binding Declaration of Paris on asset recovery annexed to resolution ICC-ASP/16/Res.2 and the existence of the secured digital platform for States Parties to exchange relevant information on cooperation and financial investigations and assets recovery;
31. *Also recalls* the Procedures relating to non-cooperation adopted by the Assembly in ICC-ASP/10/Res.5 and revised by the Assembly in resolution ICC-ASP/17/Res.5, *recognizes with concern* the negative impact that the non-execution of Court requests *continues* to have on the ability of the Court to execute its mandate, and *takes note* of the past decisions of the Court on non-cooperation;
32. *Recalls* the Toolkit for the implementation of the informal dimension of the Assembly procedures relating to non-cooperation,<sup>11</sup> which was revised as annex III to ICC-ASP/17/31 and *encourages* States Parties to make use of it as they see fit in order to improve the implementation of the Assembly procedures relating to non-cooperation;
33. *Takes note* of the report of the Bureau on non-cooperation,<sup>12</sup> *welcomes* the efforts of the President of the Assembly in implementing the Assembly procedures relating to non-cooperation and *recalls* that the President serves ex officio as focal point for his or her region,<sup>13</sup> *calls upon* all stakeholders, at all levels, to continue assisting the President of the Assembly, including when accomplishing his or her task with the support of the regional focal points for non-cooperation;
34. *Takes note* of the 24 October 2024 finding on the non-compliance by Mongolia and the 29 November 2024 decision of the Pre-Trial Chamber II in the situation in Ukraine;<sup>14</sup>
35. *Urges* States Parties to engage in effective consultations with the Court in accordance with article 97 of the Rome Statute;
36. *Decides* to include on the agenda of future sessions of the Assembly the consideration of non-cooperation issues arising during the intersessional period;
37. *Recalls* the role of the Assembly of States Parties and the Security Council with respect to non-cooperation as provided for by articles 87, paragraph 5, and 87, paragraph 7,

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<sup>11</sup> ICC-ASP/15/31, Add.1, annex II.

<sup>12</sup> ICC-ASP/23/31.

<sup>13</sup> ICC-ASP/11/29, para. 12.

<sup>14</sup> ICC-01/22-90 of 24 October 2024 and ICC-01/22-111 of 29 November 2024.

of the Rome Statute, and *welcomes* the efforts of States Parties to strengthen the relationship between the Court and the Council;

38. *Calls upon* States Parties to continue their efforts to ensure that the Security Council addresses the communications received from the Court on non-cooperation pursuant to the Rome Statute, *encourages* the President of the Assembly and the Bureau to continue consulting with the Security Council and *also encourages* both the Assembly and the Security Council to strengthen their mutual engagement on this matter;

39. *Also encourages* the authorities in Sudan to effectively cooperate with the Court in accordance with Security Council resolution 1593 (2005), while *expressing continued concern* about the military conflict that erupted in Sudan on 15 April 2023;

40. *Noting* the past orders of the Pre-Trial Chamber to the Registrar concerning action to be taken in case of information relating to travel of suspects, *urges* States to share with the focal points on non-cooperation any information concerning potential or confirmed travel of persons against whom an arrest warrant has been issued;

#### **D. Host State**

41. *Recognizes* the importance of the relationship between the Court and the host State in accordance with the terms of the Headquarters Agreement and *notes with appreciation* the on-going commitment of the host State to the Court with a view to its more efficient functioning;

#### **E. Relationship with the United Nations**

42. *Recognizes* the need for enhancing the institutional dialogue with the United Nations, including on Security Council referrals and on questions considered by the Security Council and other situations involving the maintenance of international peace and security which are subject to the jurisdiction of the Court;

43. *Welcomes* the twice-yearly reports of the Prosecutor on the situations referred by the United Nations Security Council pursuant to resolutions 1593 (2005) and 1970 (2011), and *noting* the Prosecutor's repeated requests for effective Security Council follow-up, *recognizes* the efforts of some members of the Security Council in this regard, reiterates its deep concern by the on-going lack of effective follow-up despite these efforts, and *urges* all members of the Security Council to support future such requests;

44. *Recognizes* that ratification or accession to the Rome Statute by members of the United Nations Security Council enhances joint efforts to combat impunity for the most serious crimes of concern to the international community as a whole;

45. *Also recognizes* the Security Council's call regarding the importance of State cooperation with the Court and *encourages* further strengthening of the Security Council's relationship with the Court by:

(a) providing effective follow-up of situations referred by the Council to the Court and on-going political support;

(b) enabling financial support by the United Nations for expenses incurred by the Court due to referrals of the Council;

(c) continued support for the work of the Court through cooperation and assistance by peacekeeping and special political missions mandated by the Council, including by considering extending best practices with respect to the drafting of mandates of peacekeeping operations while respecting their basic principles, and increased engagement between Sanctions Committees and the Court with a view to improving their cooperation and achieving better coordination on matters pertaining to areas of mutual concern;

(d) considering mandating peacekeeping and special political missions to contribute, where appropriate, to the strengthening of national justice systems through training, outreach and other forms of assistance;

(e) enhanced engagement by the Council with Court representatives and on matters related to the Court in various formats; and

- (f) institutionalizing Council cooperation with and support for the Court in this regard;
46. *Recalls* the report of the Court on the status of on-going cooperation with the United Nations, including in the field;<sup>15</sup>
47. *Encourages* all United Nations Offices, Funds and Programmes to strengthen their cooperation with the Court, and to collaborate effectively with the Office of Legal Affairs as focal point for cooperation between the United Nations system and the Court;
48. *Recalls* article 4 of the Relationship Agreement between the Court and the United Nations, and *stresses* the continuing need to ensure the ability of the Court to fully exercise its capacity of Observer to the United Nations and its ability to interact and engage in dialogue with the United Nations, including through its attendance and participation as Observer in the activities of the United Nations General Assembly, and through the Court's officials' regular visits to the United Nations to provide briefings and updates on its activities;
49. *Commends* the important work of the New York Liaison Office of the Court, *reiterates* its full support for the Office and *stresses* the importance of the continued and further strengthening of the implementation of its functions in accordance with ICC-ASP/4/6, paragraphs 2, 3 and 4;
50. *Calls upon* Bureau members and other States Parties to continue providing States Parties with information about their efforts at the United Nations, and in particular at the Security Council, notably through regular briefings provided by the designated State Party member of the Security Council, as well as in any other international or regional fora to promote the fight against impunity;
51. *Welcomes* the presentation of the annual report of the Court to the General Assembly of the United Nations<sup>16</sup> and in particular its focus on the relationship between the Court and the United Nations, *also welcomes* the annual adoption of the resolution concerning the Court by the General Assembly, *encourages* States Parties to support the resolution and *also encourages* them to continue their constructive engagement with United Nations Member States to further strengthen this resolution;
52. *Notes with concern* that, to date, expenses incurred by the Court due to referrals by the Security Council continue to be borne exclusively by States Parties and *notes* that, to date, the approved budget allocated so far within the Court in relation to the referrals made by the Security Council amounts to approximately €98.1 million;<sup>17</sup>
53. *Stresses* that, if the United Nations is unable to provide funds for the Court to cover the expenses incurred due to referrals by the Security Council, this will, among other factors, continue to exacerbate resource pressure on the Court;
54. *Urges* States Parties to pursue, within the General Assembly of the United Nations, the implementation of article 115, paragraph (b), of the Rome Statute, also taking into account that article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations states that the conditions under which any funds may be provided to the Court by a decision of the General Assembly shall be subject to separate arrangements;
55. *Notes* that all cooperation received by the Court from the United Nations is provided strictly on a reimbursable basis;

## **F. Relationships with other international organizations and bodies**

56. *Welcomes* the efforts undertaken by various regional and other international organizations to support the Court in the fulfilment of its mandate, as well as efforts of the Court to engage with various regional bodies and entities;
57. *Recalls* the memoranda of understanding and agreements on cooperation concluded by the Court with regional and other international organizations;

<sup>15</sup> ICC-ASP/12/42.

<sup>16</sup> United Nations document A/79/198.

<sup>17</sup> 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), para. 6.

58. *Emphasizes* ongoing efforts aimed at intensifying dialogue with the African Union and to strengthen the relationship between the Court and the African Union and *welcomes* the Court's further regular engagement in Addis Ababa with the African Union and diplomatic missions in anticipation of establishing its liaison office, *recognizes* the engagement of the President of the Assembly with officials of the African Union in Addis Ababa and *calls upon* all relevant stakeholders to support strengthening the relationship between the Court and the African Union;

59. *Encourages* the Court to continue efforts to enable a frank and constructive dialogue between the Court and the African States Parties to the Rome Statute as a key measure to strengthen relations between the Court and its African partners and address challenges within the context of this relationship;

60. *Welcomes* the efforts to further the presence of the Court at meetings of regional organizations;

61. *Recalls* the obligation of the High Contracting Parties to undertake to respect and ensure respect for the Geneva Conventions and *also recalls* the contribution that the International Humanitarian Fact-finding Commission, established by article 90 of the Additional Protocol I to the 1949 Geneva Convention, could make in ascertaining facts related to alleged violations of international humanitarian law and facilitating, where appropriate, the prosecution of war crimes, both at the national level and before the Court;

## G. Activities of the Court

62. *Takes note* of the latest report on the activities of the Court to the Assembly;<sup>18</sup>

63. *Notes with satisfaction* the fact that, owing not least to the dedication of its staff, considerable progress continues to be made in the Court's activities, including its preliminary examinations, investigations and judicial proceedings in various situations which either States Parties or the United Nations Security Council<sup>19</sup> referred to the Court or which the Prosecutor initiated *proprio motu*;

64. *Recalls* its invitation to the Court to continue to take note of best practices of other relevant international and national organizations, tribunals and mechanisms, including those gained by national institutions that have already investigated and prosecuted crimes that fall within the Court's jurisdiction, in solving challenges similar to those encountered by the Court, while reiterating its respect for the independence of the Court;

65. *Recognizes* the importance of achieving accountability for all Rome Statute crimes while recalling that there is no hierarchy between them, and *encourages* the Bureau to engage with interested States Parties and other relevant actors to identify ways to support the Court's efforts in this regard with respect to gender-based crimes that amount to Rome Statute crimes, with a view to reporting thereon to the twenty-fourth session of the Assembly;

66. *Notes with appreciation* the efforts undertaken by the Office of the Prosecutor to achieve the efficiency and transparency of its preliminary examinations, investigations and prosecutions;

67. *Welcomes* the adoption of the Office of the Prosecutor's Policy Papers on Complementarity and Cooperation and the Policy Paper on Slavery Crimes and *notes* the continuous review by the Prosecutor of the various policy papers of the Office, with a view to consolidating and enhancing them where necessary;

68. *Welcomes* the continued implementation by the Office of the Prosecutor of its Policy Papers on Case Selection and Prioritization, on Children, on Gender-Based Crimes, and on Gender Persecution and, in this regard, *stresses* the importance of the effective investigation and prosecution of sexual and gender-based crimes and crimes against children by the Court and by national courts, in order to end impunity for perpetrators of such crimes, and *calls upon* States Parties to consider the Policy Papers to strengthen the investigation and prosecution of these crimes domestically;

<sup>18</sup> ICC-ASP/23/19.

<sup>19</sup> United Nations Security Council resolutions 1593 (2005) and 1970 (2011).

69. *Expresses its appreciation* to the Office of the Prosecutor for consulting with States Parties and other stakeholders before the issuance of its policies and strategies and *welcomes* the contributions made by States Parties in this regard;

70. *Welcomes* the efforts undertaken by the Court to implement the One-Court principle, and to coordinate its activities among its organs at all levels, including through the implementation of measures to increase clarity on the responsibility of different organs, while respecting the independence of the judges and the Prosecutor and the neutrality of the Registry and *encourages* the Court to undertake all necessary efforts to fully implement the One-Court principle, inter alia with a view to ensuring full transparency, good governance, efficient use of financial resources and sound management;

71. *Notes* the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims for the period 2023-2025 and *also notes* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims;

72. *Notes with appreciation* the continued efforts undertaken by the Registrar to mitigate the risks faced by the Court in relation to its field offices and to enhance the Court's field operations with a view to increasing their efficiency and visibility and *encourages* the Court to continue to optimize its field offices and activities in close cooperation with the United Nations, as appropriate, in order to ensure the Court's continued relevance and impact in States in which it carries out its work;

73. *Welcomes* the on-going efforts undertaken by the Court to improve its use of alternative sources of information and evidence as well as its capacities to this end, including in the field of financial investigations, *encourages* the Court to continue these efforts and *notes* the importance of providing the Court with the appropriate means for this purpose;

74. *Recognizes* the important work done by the field-based staff of the Court in difficult and complex environments and *expresses its appreciation* for their dedication to the mission of the Court;

75. *Emphasizes* the need for the Court to continue to improve and adapt outreach activities with a view to further developing and implementing effectively and efficiently the Strategic Plan for Outreach<sup>20</sup> in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage;

76. *Recalls* that the issues of public information and communication about the Court, the Trust Fund for Victims and their activities constitute a shared responsibility of the Court and States Parties, while *acknowledging* the significant contribution of other stakeholders to developing a coordinated and comprehensive approach;

## H. Elections

77. *Stresses* the importance of nominating and electing as judges qualified, competent and experienced persons of the highest quality and of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices, in accordance with article 36 of the Rome Statute, as well as the importance of elected judges who have made their solemn undertaking being available to take up their full-time service when the Court's workload so requires, and for this purpose, *encourages* States Parties to conduct thorough and transparent processes to identify the best candidates;

78. *Recalls* that the Advisory Committee on Nominations of Judges is mandated to facilitate that the highest-qualified individuals are elected as judges of the International Criminal Court in the manner foreseen in its Terms of Reference;

79. *Also recalls* paragraph 6 of resolution ICC-ASP/18/Res.4 encouraging States Parties to submit information and commentary on their own existing or prospective nomination and selection procedures to the Secretariat of the Assembly and *requests* those States Parties that

<sup>20</sup> ICC-ASP/5/12.

have not yet done so to submit the information no later than 14 March 2025, to facilitate the work of the Advisory Committee;

80. *Recalls* the adoption of the due diligence procedure for elected officials of the International Criminal Court (“due diligence procedure”),<sup>21</sup> *requests* the Bureau to consider any amendments to other mandates and procedures which may be necessary to implement the due diligence procedure in the future and *emphasizes* that the due diligence procedure will need to be taken into account in any future decisions on the process for the election of the Judges, Prosecutor, Deputy Prosecutor(s), Registrar and Deputy Registrar;

81. *Decides* to adopt the amendment to paragraph 7 *bis* of resolution ICC-ASP/18/Res.4 as amended by ICC-ASP/21/Res.2, contained in annex II to the present resolution;

## I. Secretariat of the Assembly of States Parties

82. *Recognizes* the important work done by the Secretariat of the Assembly (“the Secretariat”), *reiterates* that the relations between the Secretariat and the different organs of the Court shall be governed by principles of cooperation and of sharing and pooling of resources and services, as set out in the annex to resolution ICC-ASP/2/Res.3, and *welcomes* the fact that the Director of the Secretariat participates in the meetings of the Coordination Council when matters of mutual concern are considered;

83. *Recalls* the general oversight function of the Bureau over the Secretariat, as contained in the resolution establishing the Secretariat;<sup>22</sup>

84. *Also recalls* the report of the Bureau on the assessment of the Secretariat and the recommendations contained therein;<sup>23</sup>

85. *Further recalls* that there is only one Secretariat established to provide the Assembly, its Bureau and subsidiary bodies with substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities;

86. *Recalls* that, further to the discussions held under the Budget Management Oversight topic, States Parties agreed with the last part of recommendation 4 of the former External Auditor, “to suppress the Executive Secretariat, in order to restore the principle of subsidiarity of the governance oversight organs towards the Assembly”;<sup>24</sup>

87. *Decides* that the overall responsibility to ensure the provision of substantive and technical support to the Committee on Budget and Finance, as well as to the Audit Committee, falls upon the Director of the Secretariat, who is entrusted with making the most efficient use of all the resources of Major Programme IV in accordance with the principles of effective financial administration and economy, and *notes* that all the staff of the Secretariat should therefore report to the Director of the Secretariat;

88. *Endorses* the recommendations made by the Independent Oversight Mechanism in its evaluation of the Secretariat and *decides* that in the first trimester of 2025, the Bureau should proceed with the implementation of the recommendation made by the Independent Oversight Mechanism to redesign the Secretariat along functional lines, with the assistance of the Human Resources Section of the Court, and to undertake, as appropriate, a review of classifications of positions in the Secretariat;

89. *Decides* that during this transitional period, the P-5 post which was established in December 2012,<sup>25</sup> will report to the Director of the Secretariat;

<sup>21</sup> ICC-ASP/22/Res.3, annex II.

<sup>22</sup> ICC-ASP/2/Res.3, annex, para. 10.

<sup>23</sup> ICC-ASP/17/39.

<sup>24</sup> External Auditor: Final report on the International Criminal Court Governance Oversight (ICC-ASP/20/6), part II, List of recommendations.

<sup>25</sup> Report of the Committee on Budget and Finance on the work of its seventeenth session (ICC-ASP/10/15), para. 122.



## J. Counsel

90. *Notes* the important work of independent representative bodies of counsel or legal associations, including any international legal association relevant to rule 20, sub-rule 3, of the Rules of Procedure and Evidence;

91. *Takes note* of the report on the constitution and activities of the International Criminal Court Bar Association;<sup>26</sup>

92. *Invites* the International Criminal Court Bar Association to report to the Assembly, through the Bureau, on its activities in advance of the twenty-fourth session;

93. *Notes* the need to improve gender balance and equitable geographical representation on the list of counsel and thus *continues to encourage* applications to the list of counsel established as required under rule 21, sub-rule 2, of the Rules of Procedure and Evidence with a particular view to ensuring equitable geographical representation and gender balance, as well as legal expertise on specific issues such as violence against women or children, as appropriate;

## K. Legal aid

94. *Notes* that it is the responsibility of the Court to present proposals to the Assembly for reform of the legal aid policy and *calls on* the Court to continuously consult with States Parties and other relevant stakeholders using existing structures in the course of drawing up these proposals;

95. *Recalls* the commitment of the Court and its States Parties to ensuring equality of arms in proceedings before the Court;

## L. Study Group on Governance

96. *Welcomes* the continued 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;

97. *Takes note* of the Bureau's report on the Study Group on Governance;<sup>27</sup>

98. *Extends* for another year the mandate of the Study Group;<sup>28</sup>

99. *Takes note* of the final report of the Review Mechanism submitted pursuant to resolution ICC-ASP/22/Res.6, including the Matrix on progress in the assessment of the Independent Expert Review recommendations,<sup>29</sup> and *notes* that the Study Group will continue to consider recommendations and those issues that fall within its mandate;

## M. Proceedings of the Court

100. *Emphasizes* that the effectiveness of proceedings of the Court is essential to the rights of victims and those of the accused, the credibility and authority of the institution and the promotion of the universality of the Rome Statute, as well as the best possible use of the Court's resources;

101. *Welcomes* the Court's efforts to enhance the efficiency and effectiveness of proceedings, as well as the efforts on the part of States Parties and civil society in this regard, and *emphasizes* the importance of continued dialogue on this matter, as well as the shared responsibility of the Court and States Parties in this regard;

<sup>26</sup> ICC-ASP/23/32.

<sup>27</sup> ICC-ASP/23/9.

<sup>28</sup> Established in resolution ICC-ASP/9/Res.2 and extended in resolutions ICC-ASP/10/Res.5, ICC-ASP/11/Res.8, ICC-ASP/12/Res.8, ICC-ASP/13/Res.5, ICC-ASP/14/Res.4, ICC-ASP/15/Res.5, ICC-ASP/16/Res.6, ICC-ASP/17/Res.5, ICC-ASP/18/Res.6, ICC-ASP/19/Res.6, ICC-ASP/20/Res.5, ICC-ASP/21/Res.2 and ICC-ASP/22/Res.3.

<sup>29</sup> ICC-ASP/23/14.

102. *Takes note* of the eighth edition of the Chambers Practice Manual amended by the Judges on 21 October 2024, which covers issues relating to various stages of the proceedings and, with due regard for the need of efficiency, contains certain time limits for judgments of Trial Chambers and the Appeals Chambers and *notes* in this regard the time limits introduced in 2019, any extension of which must be limited to exceptional circumstances and be explained in detail in a public decision;

## N. Working methods review

103. *Recognizes* the benefits of rationalizing the working methods of the subsidiary bodies of the Bureau and the Assembly in order to cope with an increasing workload;

104. *Welcomes* the steps already undertaken by the Bureau for the improvement of the working methods and governance of the Bureau and the Assembly, *decides* to continue these efforts, and to that effect:

(a) *stresses* the need for the full implementation of the revised general roadmap for facilitations contained in annex II to resolution ICC-ASP/15/Res.5;

(b) *calls on* facilitations of the Bureau to begin their work during the intersessional period as early as possible during the first half of the year, as appropriate;

(c) *welcomes* the holding of Bureau meetings both in New York and in The Hague;

(d) *acknowledges* the importance of ensuring that the agenda of the Assembly allows sufficient time for substantive discussions;

(e) *recognizes* the importance of exchange of information as well as mutual consultations between the New York Working Group and The Hague Working Group on matters of joint concern with a view to enhancing efficiency while avoiding duplication of efforts;

(f) *encourages* all States Parties to use the Extranet designed for the work of the subsidiary bodies of the Bureau and the Assembly containing all necessary documentation on the work in progress; and

(g) *also encourages* States Parties to deliver statements no longer than five minutes and to submit written statements instead of oral ones;

105. *Recognizes* the importance of the work carried out by the facilitators and the focal points;

106. *Recalls* the representative geographical character of the Bureau and *encourages* Bureau members to strengthen their communication with States Parties of their respective regional groups to inform the discussion of the Bureau, including by establishing appropriate mechanisms for providing regular updates on the work of the Bureau;

107. *Reiterates* that the Bureau shall have a representative character in its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, and *requests* the Bureau to remain seized of the matter;

108. *Welcomes* the report of the Bureau on the scheduling of Assembly sessions and the recommendations therein,<sup>30</sup> and *decides* to revert to the question at an appropriate time, preferably ahead of the twenty-fifth session of the Assembly;

109. *Decides* to hold the Assembly sessions alternately two years at the seat of the Court and one year at the Headquarters of the United Nations, when elections are held, as a rule with a length of up to six days, preferably over one calendar week, unless judicial or prosecutorial elections are scheduled, and *stresses* the need for effective, efficient, concise and productive Assembly sessions, with broadest participation of States Parties and effective use of resources, as well as the need for avoiding duplication with a division of labour between New York and The Hague;

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<sup>30</sup> ICC-ASP/22/32.

## O. Victims and affected communities, reparations and Trust Fund for Victims

110. *Reaffirms* its resolution ICC-ASP/13/Res.4 on victims and affected communities, reparations and Trust Fund for Victims;

111. *Stresses* the central importance that the Rome Statute accords to the rights and needs of victims, as victims' right to present and have their views and concerns considered at stages of the proceedings determined to be appropriate by the Court where their personal interests are affected and to protection of their safety, physical and psychological well-being, dignity and privacy, under article 68 of the Rome Statute, as well as their right to claim reparations awarded and access to relevant information are essential components of justice and, in this regard, *emphasizes* the importance of effective outreach to victims and affected communities in order to give effect to the mandate of the Court;

112. *Recalls* article 75 of the Rome Statute and, in this regard, the reparative justice role of the Court and the Trust Fund, and *notes* that assistance and reparations to victims may promote reconciliation and contribute to peace-building;

113. *Acknowledges* the importance of protective measures for victims and witnesses, including considering the best interests, rights and well-being of children and maintaining the physical and psychological welfare of witnesses, particularly victims of sexual and gender-based crimes, for the execution of the Court's mandate, *stresses* the need for States to conclude agreements with the Court in order to facilitate expeditious international relocation of persons at risk, *urges* all States to consider concluding such relocation agreements and *encourages* all States to contribute to the Special Fund for Relocations;

114. *Stresses* that, since the identification, tracing and freezing or seizure of any assets of the convicted person are indispensable for reparations, it is of paramount importance that all necessary measures are taken to that end, in order for relevant States and relevant entities to provide timely and effective assistance pursuant to articles 75, 93, paragraph 1(k), and 109 of the Rome Statute, and *calls upon* States Parties to enter into voluntary agreements, arrangements or any other means to this end with the Court, as required;

115. *Recalls* the Court's previous commitment to review its Revised Strategy in Relation to Victims once a judicial cycle is finished;<sup>31</sup>

116. *Renews its appreciation* to the Board of Directors and the Secretariat of the Trust Fund for Victims for their continuing commitment towards victims and affected communities and in this regard, *notes with appreciation* the latest report by the Board of Directors on the activities of the Trust Fund to the Assembly<sup>32</sup> as well as the efforts of the Board of Directors to improve the governance, efficiency and effectiveness of the Trust Fund;

117. *Notes* the significant increase in the activities of the Trust Fund related to reparations; in particular, *also notes* that the Trust Fund is continuing to implement the *Lubanga* and *Ntaganda* reparations programmes in the Democratic Republic of the Congo and the *Al Mahdi* reparations programme in Mali;

118. *Further notes* that in the *Al Mahdi* case the Trust Fund has completed the delivery of financial compensation as part of the individual reparations awards to 1,685 eligible victims in June 2024 and has now commenced the final phase of the collective reparations awards which is set to conclude in December 2025;

119. *Welcomes* the final report of the Trust Fund on the implementation of the *Katanga* reparations programme submitted to the Court on 2 December 2024 and the external evaluation report which validates the impact of reparations on individuals and communities and contributes to strengthening the rule of law and *notes* that the Trust Fund submitted the draft implementation plan for reparations in the *Ongwen* case in September 2024;

120. *Notes* that the Trust Fund is also implementing assistance programmes directly benefitting 23,000 individuals in seven situations of the Court and *also notes* that the Board of Directors of the Trust Fund has launched a funding appeal for initial consultations to determine

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<sup>31</sup> ICC-ASP/13/Res.4, para. 1.

<sup>32</sup> ICC-ASP/23/4.

the feasibility of starting assistance programmes in nine situations of the Court, where the Trust Fund is not currently active;

121. *Calls upon* States, international and inter-governmental organizations, individuals, corporations and other entities to make voluntary contributions, in accordance with their financial ability, to the Trust Fund in order to broaden its resource base, improve the predictability of funding and maintain responsiveness to harm suffered by victims as well as to the Court's judicial developments, and *renews its appreciation* to those that have done so;

122. *Invites* States Parties to respond to requests of the Trust Fund for earmarked contributions for the purposes of funding specific reparations awards, as well as replenishing and strengthening the Trust Fund's general reparations reserve, and *expresses its appreciation* to those that have already done so;

123. *Invites* States Parties to consider making earmarked voluntary contributions to the Trust Fund for the benefit of victims of sexual and gender-based violence, and *expresses its appreciation* to those that have already done so;

124. *Notes* the intention of the Trust Fund to raise voluntary contributions from public and private donations, in order to ensure the implementation of Court-ordered reparations and assistance activities for the benefit of victims in cases and situations before the Court, in particular €2 million for the reparations programme in the *Lubanga* case, €2 million for the reparation programme in the *Ntaganda* case, €5 million to start the reparations programme in the *Ongwen* case and €2 million for other assistance programmes;

## **P. Recruitment of staff**

125. *Takes note* of the Court's report on Human Resources Management<sup>33</sup> and *requests* the Court to further strengthen its efforts, in the recruitment of staff, to seek equitable geographical representation with a particular focus on candidates from non-represented and under-represented States Parties, gender balance and the highest standards of efficiency, competency and integrity, as well as to seek expertise on specific issues, including, but not limited to, trauma-related psycho-social needs and violence against women or children, and *encourages* further progress in this regard;

126. *Calls upon* the Court to report the outcome of its efforts to seek equitable geographical representation with a particular focus on candidates from non-represented and under-represented States Parties and gender balance to the Assembly at its twenty-fourth session, including, but not limited to, improvements in the recruitment process and annual recruitment data;

127. *Welcomes* the efforts by the Registry to implement the outcomes of the Workshop on Geographical Representation and Gender Balance (GRGB) held in 2023;

128. *Takes note* of the continued dialogue between the Court and the Bureau with regard to ensuring equitable geographical representation and gender balance in the recruitment of staff members, and *welcomes* the report of the Bureau and its recommendations;<sup>34</sup>

129. *Urges* States Parties to continue to undertake efforts to identify and enlarge pools of potential applicants to the Court's professional positions from States Parties from non- and under-represented regions and countries, including through the financing by the Assembly of the Court's internship and visiting professional programmes, and by States Parties of Junior Professional Officer (JPO) programmes, through targeted outreach initiatives and through the dissemination among relevant national institutions and organizations of the Court's vacancies;

130. *Recalls* the establishment by the Court of a programme to fund, through voluntary contributions, the placement of interns and visiting professionals from developing regions with a particular focus on candidates from non-represented and under-represented States Parties, *welcomes* the voluntary contributions received thus far, *calls upon* States Parties to contribute to this programme, and *requests* the Court to further devise mechanisms that can ensure in a more sustainable and systematic manner the funding of placements of interns and visiting professionals from developing regions;

<sup>33</sup> ICC-ASP/23/2.

<sup>34</sup> ICC-ASP/23/28.

131. *Recalls* the Court-wide, Office of the Prosecutor, Registry and Trust Fund for Victims Strategic Plans for 2023-2025, and their strategic goals to improve the geographical representation and gender balance as one of the Court's priorities;

132. *Also recalls* the adoption of the Court's first Strategy on Gender Equality and Workplace Culture on 8 December 2022;

## Q. Complementarity

133. *Recalls* the primary responsibility of States to genuinely investigate and prosecute the most serious crimes of international concern and that, to this end, appropriate measures need to be adopted at the national level, and international cooperation and judicial assistance need to be strengthened, in order to ensure that national legal systems are willing and able genuinely to carry out investigations and prosecutions of such crimes;

134. *Resolves* to continue to strengthen, within the appropriate fora, effective domestic implementation of the Rome Statute, to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally recognized fair trial standards, pursuant to the principle of complementarity and *stresses* that the proper functioning of the principle of complementarity entails that States incorporate the crimes set out in articles 6, 7 and 8 of the Rome Statute as punishable offences under their national laws, to establish jurisdiction for these crimes and to ensure effective enforcement of those laws, and *urges* States to do so;

135. *Takes note* of the signing on 14 February 2024 of the Ljubljana-The Hague Convention on international cooperation in the investigation and prosecution of the crime of genocide, crimes against humanity, war crimes and other international crimes, which will facilitate better practical cooperation between States in investigating and prosecuting international crimes and to which all States may become parties;

136. *Welcomes* efforts by the United Nations, international and regional organizations, States and civil society in mainstreaming capacity-building activities aimed at strengthening national jurisdictions with regard to investigating and prosecuting Rome Statute crimes and *strongly encourages* additional efforts in this regard by other international and regional organizations, States and civil society;

137. *Welcomes* the report of the Bureau on complementarity and the recommendations made on future consultations set out therein;<sup>35</sup>

138. *Also welcomes* the ongoing exchanges with the Office of the Prosecutor in the context of the Office's new Policy on Complementarity and Cooperation, with respect to a range of measures and initiatives intended to support the development of dynamic and two-way relationships between the Office, national authorities and other accountability mechanisms, and, crucially, the victims and survivors of atrocities globally, in order to deliver justice close to the affected communities;

139. *Further welcomes* the information provided by the Secretariat of the Assembly on the progress in giving effect to its mandate to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions;

140. *Encourages* States, international and regional organizations and civil society to submit to the Secretariat information on their complementarity-related activities and *welcomes* the efforts made by the international community and national authorities, including national capacity-building activities to investigate and prosecute gender-based crimes that may amount to Rome Statute crimes, in particular the continued efforts on the strategic actions to ensure access to justice and to enhance empowerment of victims at national level;

141. *Encourages* the Court to continue its efforts in the field of complementarity, including through exchange of information between the Court and other relevant actors, while *recalling* the Court's limited role in strengthening national jurisdictions;

<sup>35</sup> ICC-ASP/23/24.

## R. Independent Oversight Mechanism

142. *Recalls* its decision in resolution ICC-ASP/22/Res.3 requesting the Bureau to remain seized of the review of the work and operational mandate of the Independent Oversight Mechanism and to follow up on the recommendations contained in the report of the facilitation, with a view to considering also recommendations of the Independent Expert Review in this regard, and to report thereon to the Assembly at its twenty-fourth session;

143. *Welcomes* the discussions held during 2024 on the review of the work and operational mandate of the Independent Oversight Mechanism, which is a subsidiary body of the Assembly;

144. *Takes note* of the Final Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System,<sup>36</sup> in particular its recommendations related to the work and operational mandate of the Independent Oversight Mechanism, which deserves thorough discussions among States Parties and consideration and may call for further revisions of the mandate;

145. *Recalls* that the revised operational mandate of the Independent Oversight Mechanism applies provisionally until, and without prejudice to, any decision of the Assembly to amend or replace the mandate after its consideration of the report and the ongoing review of the status of implementation of the remaining recommendations of the Independent Expert Review, including amendments emanating from the establishment of the due diligence procedure for elected officials;

146. *Welcomes* the complementary initiatives undertaken by the Bureau, the Assembly oversight bodies and the Court to try to ensure that the different organs of the Court have streamlined and updated where required, and, to the extent possible, consistent ethics charters and codes of conduct;

147. *Reiterates* the critical importance of the Independent Oversight Mechanism in carrying out its work in an independent, transparent and impartial manner free from any undue influence;

148. *Welcomes* the annual report of the Head of the Independent Oversight Mechanism;<sup>37</sup>

149. *Reaffirms* the importance of the Independent Oversight Mechanism reporting to States Parties on the results of its activities;

150. *Emphasizes* the importance of adherence to the highest professional and ethics standards by all Court staff and elected officials, *acknowledges* the essential role played and work done by the Independent Oversight Mechanism, and that the revised operational mandate of the Independent Oversight Mechanism<sup>38</sup> enables it to investigate the alleged conduct of former elected officials and staff both while they were in office and when they separated from service as prescribed in its paragraph 10, *takes note* of the status report provided by the Office of the Prosecutor, and *invites* the Court to provide at the earliest opportunity in advance of the twenty-fourth session of the Assembly any relevant update and recommendation on any necessary follow-up action for the Court and/or the Assembly;

151. *Welcomes* the progress made in formally aligning the regulatory framework of the Court with the operational mandate of the Independent Oversight Mechanism, in particular the Administrative Instruction on Investigation of Unsatisfactory Conduct and the Administrative Instruction on Unsatisfactory Conduct and Disciplinary Proceedings, as well as the Administrative Instruction on Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority, and *encourages* the Court, with the support of the Independent Oversight Mechanism, as necessary, to continue working to ensure that all relevant documents are updated and aligned with the mandate of the Independent Oversight Mechanism in order to harmonize the applicable rules;

152. *Welcomes* the draft evaluation policy of the Court presented at the facilitation by the Head of the Independent Oversight Mechanism on 14 October 2024, *emphasizes* its importance in enhancing the evaluation function and *endorses* the policy;

<sup>36</sup> ICC-ASP/19/16.

<sup>37</sup> ICC-ASP/23/18.

<sup>38</sup> ICC-ASP/19/Res.6, annex II.

## S. Programme budget

153. *Takes note* of the important work done by the Committee on Budget and Finance, which is a subsidiary body of the Assembly, and *reaffirms* the independence of the members of the Committee;

154. *Recalls* that, according to its Rules of Procedure,<sup>39</sup> the Committee shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications and *emphasizes* the importance of ensuring that the Committee is represented at all stages of the deliberations of the Assembly at which documents that contain financial or budgetary implications are considered;

155. *Takes note with concern* of the report of the Bureau on the arrears of States Parties;<sup>40</sup>

156. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and *urges* all States Parties to the Rome Statute to transfer their assessed contributions in full and by the deadline for contributions or, in the event of pre-existing arrears, immediately, in accordance with article 115 of the Rome Statute, rule 105.1 of the Financial Regulations and Rules, and other relevant decisions taken by the Assembly;

157. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute voluntarily to the Court and *expresses its appreciation* to those that have done so;

## T. Review Conference

158. *Recalls* that at the successful first Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010, States Parties adopted amendments to the Rome Statute, in accordance with article 5, paragraph 2, of the Rome Statute to define the crime of aggression and to establish conditions under which the Court could exercise jurisdiction with respect to that crime<sup>41</sup> and adopted amendments to the Rome Statute to expand the jurisdiction of the Court to three additional war crimes when committed in armed conflicts not of an international character;<sup>42</sup>

159. *Calls upon* all States Parties to consider ratifying or accepting these amendments, noting that they shall enter into force in accordance with article 121, paragraph 5, of the Rome Statute, *notes with appreciation* the recent ratifications of the amendments<sup>43</sup> and *notes* that two States Parties have lodged declarations in accordance with article 15 *bis*, paragraph 4, of the Rome Statute;<sup>44</sup>

160. *Welcomes* the activation of the Court's jurisdiction over the crime of aggression as of 17 July 2018, as decided by consensus by the Assembly in its resolution ICC-ASP/16/Res.5, marking the first time that a permanent international court has the authority to hold individuals accountable in respect of this crime, thereby completing the achievements of the Rome and Kampala Conferences of 1998 and 2010;

161. *Recalls* the decision taken by the first Review Conference to review the amendments on the crime of aggression seven years after the beginning of the Court's exercise of jurisdiction<sup>45</sup> and the decision by the Assembly that this review is to be prepared ahead of 17 July 2025;<sup>46</sup>

162. *Takes note* of the report of the focal point on the preparations for the review of the amendments on the crime of aggression;<sup>47</sup>

163. *Invites* the Chair of the Working Group of Amendments to convene regular meetings of the Working Group starting early in 2025 to facilitate discussions on the Kampala

<sup>39</sup> ICC-ASP/18/Res.1, annex.

<sup>40</sup> ICC-ASP/23/16.

<sup>41</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.6.

<sup>42</sup> *Ibid.*, RC/Res.5.

<sup>43</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10-b&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-b&chapter=18&clang=en)

and [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10-a&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-a&chapter=18&clang=en).

<sup>44</sup> <https://www.icc-cpi.int/resource-library#>.

<sup>45</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.6, paragraph 4.

<sup>46</sup> ICC-ASP/22/Res.3, para. 157.

<sup>47</sup> ICC-ASP/23/33.

amendments on the crime of aggression in preparation of the Special Session of the Assembly from 7 to 9 July 2025, in accordance with the decision to Review the Kampala amendments;

164. *Invites* States Parties to resume the discussions on the issue of peace and justice that arose during the stock-taking exercise held at the Review Conference;

165. *Recalls with appreciation* pledges of increased assistance to the Court made by thirty-five States Parties, one observer State, and one regional organization, *calls upon* these States and the regional organization to ensure the swift implementation of these pledges and *also calls upon* States and regional organizations to submit additional pledges and to report further at the twenty-fourth session of the Assembly, in written form or through their statement at the general debate on the implementation thereof;

## U. Consideration of amendments

166. *Welcomes* the report of the Working Group on Amendments;<sup>48</sup>

167. *Calls upon* all States Parties to ratify or accept the amendment to article 124;

168. *Also calls upon* all States Parties to ratify or accept the amendments to article 8 adopted at the sixteenth and eighteenth sessions of the Assembly;<sup>49</sup>

## V. Participation in the Assembly of States Parties

169. *Strongly encourages* States Parties to be guided by the principle of gender balance when composing their delegations to the Assembly and when selecting their participants for the work of the Assembly and its subsidiary bodies;

170. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute in a timely manner and voluntarily to the Trust Fund to allow the participation of least developed countries and other developing States in the annual session of the Assembly and *expresses its appreciation* to those that have done so;

171. *Encourages* the continuation of efforts undertaken by the President of the Assembly to hold an on-going dialogue with all stakeholders, including regional organizations and *calls upon* all States Parties to support the President in her undertakings aimed at strengthening the Court, the independence of proceedings and the Rome Statute system as a whole;

172. *Recalls* the long-term and continuing cooperation between the Assembly, States Parties, and non-governmental organizations of civil society, and *reaffirms* resolution ICC-ASP/2/Res.8 on recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court;

173. *Calls upon* all States to refrain from any acts constituting an attack, threat, intimidation or reprisal against participants in the work of the Assembly;

174. *Encourages* the full participation of States Parties, Observers and States not having observer status in the sessions of the Assembly and *recognizes* the need to ensure the broadest visibility of the Court and the Assembly;

175. *Takes note* of the Guidelines for enhancing the security of participants in the work of the Assembly adopted by the Bureau on 4 October 2023 and *requests* the Bureau to continue developing measures to this effect in consultation with States Parties, the Court and civil society, and to report to the Assembly at its twenty-fourth session; and

176. *Decides* to entrust the Court, the President of the Assembly, the Bureau, the Advisory Committee on Nominations, the Working Group on Amendments, the Study Group on Governance, the Independent Oversight Mechanism, the Secretariat, and the Board of Directors and the Secretariat of the Trust Fund for Victims, as appropriate, with the mandates contained in annex I to the present resolution.

<sup>48</sup> ICC-ASP/23/26.

<sup>49</sup> ICC-ASP/16/Res.4 and ICC-ASP/18/Res.5.



## Annex I

### Mandates of the Assembly of States Parties for the intersessional period

1. With regard to **universality of the Rome Statute**,
  - (a) *endorses* the recommendations of the report of the Bureau on the Plan of action;<sup>1</sup> and
  - (b) *requests* the Bureau to continue to monitor the implementation of the Plan of action and to report thereon to the Assembly at its twenty-fourth session;
2. With regard to the **Agreement on Privileges and Immunities**, *requests* the Bureau to continue to support the ratification of the Agreement;
3. With regard to **cooperation**,
  - (a) *urges* the Bureau, through The Hague Working Group, to continue the work on arrests, including the recommendations for increased engagement with States Parties on the implementation of outstanding International Criminal Court arrest warrants of 18 September 2024 resulting from the inter-organ retreat of the Court on the challenges posed by the execution of arrest warrants held on 18 July 2024, in close cooperation with the Court;
  - (b) *requests* the Bureau, through its working groups, to continue the discussions on voluntary framework agreements or arrangements and to report thereon to the Assembly at its twenty-fourth session;
  - (c) *invites* the Bureau, through its working groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities;
  - (d) *also invites* the Bureau, through its working groups, to continue to strengthen the relationship between the Court, States Parties and the United Nations and its agencies and entities, including for capacity building, to foster cooperation with the Court;
  - (e) *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance, including by considering consultations with the State Party concerned when necessary;
  - (f) *encourages* the Bureau, through its working groups, to continue its review of the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,<sup>2</sup> in close cooperation with the Court, where appropriate;
  - (g) *requests* the Bureau to maintain a facilitation of the Assembly 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;
  - (h) *encourages* the Bureau, through the facilitation on cooperation, in accordance with the resolution on the Review of the International Criminal Court<sup>3</sup> to monitor the implementation of the recommendations related to cooperation, as appropriate, and to report thereon to the Assembly at its twenty-fourth session;
  - (i) *requests* the Court to continue to submit an updated report on cooperation to the Assembly at its annual session, containing disaggregated data over the responses provided by States Parties, including highlighting the main challenges;
  - (j) *mandates* the Bureau, through its working groups, to continue discussions on cooperation on financial investigations and the freezing and seizing of assets as set out in the Declaration of Paris, including by continuing the work to further develop the secured digital platform;
  - (k) *requests* the Registry to engage with States Parties with regard to issues outlined in paragraphs 21 and 22 of this resolution on the implementation of the

<sup>1</sup> ICC-ASP/23/22.

<sup>2</sup> ICC-ASP/6/Res.2, annex II.

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

recommendations made in the Court’s Concept Note on protection of former and current elected officials, staff of the Court, counsel and persons assisting defence counsel against coercive measures, including the development of guidelines, and to report to the Bureau, through the cooperation facilitation, in 2025 on the outcome of these discussions;

(l) *requests* the President of the Assembly to continue to engage actively and constructively with all relevant stakeholders in accordance with the Assembly procedures relating to non-cooperation, both to prevent instances of non-cooperation and to follow up on any matter of non-cooperation referred by the Court to the Assembly;

(m) *requests* that any information concerning potential or confirmed travel of persons against whom an arrest warrant has been issued be promptly shared with the Court by the focal points on non-cooperation; and

(n) *requests* the Bureau to continue to actively engage throughout the intersessional period with all relevant stakeholders to continue to ensure effective implementation of the Assembly procedures relating to non-cooperation and to submit a report on its activities to the Assembly at its twenty-fourth session;

4. With regard to the **relationship with the United Nations**,

(a) *invites* the Court to continue its institutional dialogue with the United Nations, based on the Relationship Agreement between the United Nations and the International Criminal Court; and

(b) *requests* the Registry to update its report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council<sup>4</sup> ahead of the twenty-fourth session of the Assembly;

5. With regard to **relationships with other international organizations and bodies**,

(a) *invites* the Court to include in its annual report to the United Nations General Assembly a section on the status and implementation of specific agreements on cooperation with other international organizations; and

(b) *requests* the Bureau, through The Hague Working Group, to continue discussions on the desirability and feasibility of establishing regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute, and *also requests* the Bureau to report on the outcome of the discussions and any recommendations thereon to the twenty-fourth session of the Assembly;

6. With regard to **elections**,

(a) *decides* to continue to review the procedure for the nomination and election of judges as set forth in resolution ICC-ASP/3/Res.6, as amended, with a view to making any improvements as may be necessary, taking into account the work conducted so far as reflected in the facilitator’s report;<sup>5</sup>

(b) *requests* the Bureau to report to the Assembly at its twenty-fourth session on possible amendments to other mandates and procedures which may be necessary in order to implement the due diligence procedure for elected officials; and

(c) *also requests* the Bureau to update the Assembly, at its twenty-fourth session, on the progress of the review of the procedure for the nomination and election of judges;

7. With regard to **legal aid**,

(a) *takes note* of the Registry’s proposal to introduce a new “Step 5” for counsel, legal representatives of victims and members of their teams, and *decides* to continue consideration of this matter in 2025;

(b) *stresses* the need for continuous monitoring and scrutiny of the new legal aid system and, to this end, *requests* the Court to report on the progress in the application of the new Legal Aid Policy of the International Criminal Court by 31 August 2025, in consultation

<sup>4</sup> ICC-ASP/23/17.

<sup>5</sup> ICC-ASP/23/29.

with members of defence and victims' teams, in order to facilitate the Assembly's review and consideration of the Legal Aid Policy at the twenty-fourth session of the Assembly;

(c) *requests* the Bureau to continue to address the question of a legal basis for tax exemptions to be granted to defence and victims' counsel and persons assisting counsel, who are subject to the Legal Aid Policy, to convene a preparatory meeting in the first half of 2025, in consultation with States Parties, to prepare a draft text of a possible amendment to the Agreement on the Privileges and Immunities of the International Criminal Court to address this issue, with a view to convening a Review Conference in accordance with article 36 of the Agreement to discuss the proposal as soon as possible, as well as options or recommendations on measures that should be taken in the interim, and to report on the matter in advance of the twenty-fourth session of the Assembly;

(d) *requests* the Court to continue to ensure appropriate representation of counsel in the Advisory Committee on Legal Texts;

(e) *also requests* the Court to continue its review of the current framework and operation of the functions regarding financial investigations on suspects and accused persons across all organs in order to make proposals to the Assembly through its relevant facilitations (legal aid and cooperation) with a view to strengthening the Registry's capacity to trace, freeze and seize assets of the accused in the context of legal aid requests, while paying due respect to the rights of the accused and to ensure increased efficiency of that global framework; and

(f) *requests* the Bureau to continue its work on legal aid and to report to the Assembly at its twenty-fourth-session;

#### 8. With regard to the **Study Group on Governance**,

(a) *invites* the Court to further engage in a structured dialogue with States Parties 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 to provide State Parties with its update on implementation of the respective Independent Expert Review recommendations; and

(b) *invites* the Study Group to closely cooperate with the Court, subsidiary bodies and other facilitations established by the Assembly on the implementation of the Independent Experts' recommendations that address governance issues;

#### 9. With regard to **proceedings of the Court**,

(a) *invites* the Court to intensify its efforts to enhance the efficiency and effectiveness of proceedings including by adopting further changes of practice;

(b) *encourages* the Bureau, including through its two working groups and the Study Group on Governance, to continue to support the Court's efforts to enhance the efficiency and effectiveness of proceedings; and

(c) *encourages* the Court to take note of the best practices of relevant international and national organizations, tribunals, and mechanisms related to sexual and gender-based crimes, including practices related to investigation, prosecution and training, in solving challenges related to crimes under the Rome Statute, including sexual and gender-based crimes, while reiterating its respect for the independence of the Court;

#### 10. With regard to the **working methods review**,

(a) *decides* that its annual session shall have a duration of up to six working days with a possible extension of up to three additional days in election years, as required, and to focus, in such cases, the first three days on the elections of judges;

(b) *also decides* that its annual sessions shall include one or two plenary segments on specific agenda items;

(c) *invites* the facilitators and focal points, when appropriate, to present their work to the Assembly;

(d) *also invites* the facilitators and focal points to commit themselves for a period of up to three years, considering the particularities and the complexity of each mandate and

to submit, in addition to their regular reports, a final written report to the Assembly at the end of their mandate, including lessons learnt;

(e) *invites* the Bureau to implement the recommendations of the 2013 working methods report;<sup>6</sup>

(f) *requests* the Bureau to establish facilitations only if the mandate requires open-ended consultations and the matter cannot be addressed by a less resource-intensive mechanism, such as a rapporteur or a focal point;<sup>7</sup>

(g) *invites* the Bureau to use existing technologies such as video-conferencing in order to ensure participation of members of the Bureau not represented at the venue of the Bureau meeting;

(h) *requests* the Bureau to continue conducting evaluations of the established mandates and, where appropriate, consider the inclusion of end-dates and that it prepare recommendations on the reduction of the number and length of reports;

(i) *also requests* the Bureau to discuss the representative character of its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world and, *taking note of* the written summary of views expressed ahead of the twenty-third session of the Assembly, *further requests* the Bureau to, in light of the written summary, consult with all States Parties on the topic and submit a report, without prejudice to any course of action, ahead of the twenty-fourth session of the Assembly; and

(j) *requests* all facilitators and focal points, in consultation with States Parties, to undertake an exercise to further streamline the present resolution for the twenty-fourth session, including through continued implementation of the Guiding Principles on the streamlining and drafting of proposals for this resolution;

**11. With regard to **victims and affected communities, reparations and the Trust Fund for Victims,****

(a) *requests* the Court to continue to establish principles relating to reparations in accordance with article 75, paragraph 1, of the Rome Statute as a priority in the context of its judicial proceedings;

(b) *encourages* the Board of Directors and the Secretariat of the Trust Fund for Victims to continue to strengthen its on-going dialogue with the organs of the Court, States Parties and the wider international community, including donors as well as non-governmental organizations, who all contribute to the valuable work of the Trust Fund for Victims, so as to ensure increased strategic and operational visibility and to maximize its impact and ensure the continuity and sustainability of the Fund's interventions;

(c) *requests* the Court and the Trust Fund for Victims to continue developing a strong collaborative partnership, mindful of each other's roles and responsibilities, to implement Court-ordered reparations;

(d) *decides* to continue to monitor the implementation of the rights of victims under the Rome Statute, with a view to ensuring that the exercise of these rights is fully realized and that the continued positive impact of the Rome Statute system on victims and affected communities is sustainable;

(e) *requests* the Court to initiate consultations for the development of an updated Revised Strategy in Relation to Victims, taking into account the ongoing consideration of the relevant Independent Expert Review recommendations, and to report to the Assembly at its twenty-fourth session;

(f) *requests* the Bureau to continue considering victims-related issues as necessary or as they arise, having recourse to any appropriate process or mechanism;

(g) *also requests* the Bureau to facilitate consultations to be held in 2025 on the Fundraising Strategy of the Trust Fund with the view of ensuring transparency and

<sup>6</sup> ICC-ASP/12/59.

<sup>7</sup> As outlined, for example, in paras. 21(a) and 23(b) of the Report on the evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau (ICC-ASP/12/59).

involvement of relevant stakeholders and for the Board of Directors and the Bureau to report to the Assembly on this matter at its twenty-fourth session; and

(h) *requests* the Court to make available to the Assembly appropriate statistics in relation to victims admitted to participate in proceedings before the Court when these are publicly submitted to the respective Chambers in the context of the judicial proceedings; such statistics may include, as appropriate, information on gender, criminal offense and situation, among other pertinent criteria as determined by the relevant Chamber;

12. With regard to **recruitment of staff**,

(a) *endorses* the recommendations of the Committee on Budget and Finance in relation to geographical representation and gender balance contained in the report of its forty-fourth session and *urges* the Court to take the necessary steps to implement it;

(b) *requests* the Court to submit to the Assembly a comprehensive report on human resources by the end of May 2025, to be considered by the Assembly at its twenty-fourth session, which would include an update on the implementation of the recommendations on the topic made by the Committee in 2024;

(c) *also requests* the Court to include in that report an outline of its efforts to improve the recruitment process in seeking equitable geographical representation with a particular focus on candidates from non-represented and under-represented States Parties and gender balance, including annual recruitment data;

(d) *further requests* the Court to report on the implementation of the Strategy on Gender Equality and Workplace Culture by 30 September 2025;

(e) *requests* the Bureau to continue engaging with the Court to identify ways to improve equitable geographical representation and gender balance in professional posts, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the twenty-fourth session of the Assembly; and

(f) *urges* the Court to continue to seize the opportunities of the outstanding and future recruitment processes to implement measures that would contribute to the efforts of meeting the desirable ranges of geographical representation and gender balance;

13. With regard to **complementarity**,

(a) *requests* the Bureau to remain seized of this issue and to continue the dialogue with the Court and other stakeholders on complementarity, including on complementarity-related capacity-building activities by the international community to assist national jurisdictions, on possible situation-specific completion strategies of the Court and the role of partnerships with national authorities and other actors in this regard, and also including to assist on issues such as witness and victims protection and gender-based crimes; and

(b) *requests* the Secretariat to, within existing resources, continue to develop its efforts in facilitating the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and to invite States to submit information on their capacity needs for the consideration of States and other actors in a position to provide assistance, and to report on the practical steps taken in this regard to the twenty-fourth session of the Assembly;

14. With regard to the **Independent Oversight Mechanism**, *requests* the Bureau to remain seized of the review of the work and the operational mandate of the Independent Oversight Mechanism and to follow up on the recommendations contained in the report of the facilitation, with a view to considering also recommendations of the Independent Expert Review in this regard, and to report thereon to the Assembly at its twenty-fourth session;

15. With regard to **the programme budget**,

(a) *requests* the Secretariat, together with the Committee on Budget and Finance, to continue to make the necessary arrangements to ensure that the Committee is represented at all stages of the deliberations of the Assembly at which documents that contain financial or budgetary implications are considered;

(b) *decides* 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, 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-fourth session; and

(c) *requests* the Secretariat to inform States Parties periodically of States that have recovered their voting rights following payment of their arrears;

16. With regard to the **Review Conference**,

(a) *requests* the Secretariat to make publicly available on the Court's website information provided by States and regional organizations on the pledges of increased assistance to the Court made in Kampala;

(b) *decides* that the Special Session shall be held at United Nations Headquarters, from 7 to 9 July 2025, for a period of three working days; and

(c) *requests* the President of the Assembly, with support of the Bureau, to continue the preparations for the review of the amendments on the crime of aggression, including practical and organizational issues;

17. With regard to **consideration of amendments**,

(a) *invites* the Working Group on Amendments to continue its consideration of all amendment proposals, in accordance with the Terms of Reference of the Working Group; and

(b) *requests* the Working Group to submit a report for the consideration of the Assembly at its twenty fourth session;

18. With regard to **participation in the Assembly of States Parties**,

(a) *decides* that the Committee on Budget and Finance shall hold its forty-sixth session virtually, on 27 January 2025, to elect the Chair and Vice-Chair and to discuss other matters, that its forty-seventh session would take place from 5 to 9 May 2025 and its forty-eighth session from 1 to 12 September 2025, both in The Hague; and

(b) *also decides* that the Assembly shall hold its twenty-fourth session in The Hague from 1 to 6 December 2025, and its twenty-fifth session in New York.

## Annex II

### **Amendment to resolution ICC-ASP/18/Res.4, as amended by resolution ICC-ASP/21/Res.2**

**Amend paragraph 7 *bis* of resolution ICC-ASP/18/Res.4, as amended by ICC-ASP/21/Res.2, to read as follows:**

*7 bis.* Reiterates its requests to the Advisory Committee on Nominations of Judges, in consultation with States Parties and other relevant stakeholders, to prepare, in light of the compendium presented under paragraph 7 as well as additional submissions of States Parties under paragraph 6, guidelines for the national-level nomination procedures and bring them to the attention of States Parties at the earliest possible date, but no later than the twenty-fourth session of the Assembly.

## Resolution ICC-ASP/23/Res.2

*Adopted at the 9th plenary meeting, on 6 December 2024, by consensus*

### ICC-ASP/23/Res.2

## 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 annexes 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* 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 104.5bis.

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

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



## Annex 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.

## Annex 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).

## Resolution ICC-ASP/23/Res.3

*Adopted at the 9th plenary meeting, on 6 December 2024, by consensus*

### ICC-ASP/23/Res.3

#### **Resolution on the 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 under-represented 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. *Also decides* 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; and
    - (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 sub-paragraph (f) shall be reported to the twenty-seventh session of the Assembly;
3. *Further 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 annex.

## **Annex**

### **I. Amendment to 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.”

### **II. Amendment to 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.”

## Resolution ICC-ASP/23/Res.4

*Adopted at the 9th plenary meeting, on 6 December 2024, by consensus*

### ICC-ASP/23/Res.4

## 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, *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, and *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, non-governmental organizations, 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>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;
3. *Welcomes again* the Bureau’s adoption of the categorization of recommendations<sup>2</sup> and the Comprehensive action plan<sup>3</sup> referred to in operative paragraph 4 of resolution ICC-ASP/19/Res.7, based on the proposals of the Review Mechanism;<sup>4</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>5</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 all but one 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;
9. *Also 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”;
10. *Further 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;
11. *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; and
12. *Requests* the Secretariat of the Assembly 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.

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<sup>1</sup> ICC-ASP/19/16.

<sup>2</sup> <https://asp.icc->

<https://asp.icc->  
[cpi.int/sites/asp/files/asp\\_docs/ASP20/Categorization%20of%20the%20IER%20Recommendations-](https://asp.icc-)  
[final.29Apr21.1945.pdf](https://asp.icc-)

<sup>3</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>4</sup> See: Report of the Review Mechanism submitted pursuant to ICC-ASP/20/Res.3 (ICC-ASP/21/34/Rev.1).

<sup>5</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).

## Resolution ICC-ASP/23/Res.5

*Adopted at the 9th plenary meeting, on 6 December 2024, by consensus*

### ICC-ASP/23/Res.5 Resolution on cooperation

*The Assembly of States Parties,*

*Recalling* the provisions of the Rome Statute, the Declaration on Cooperation (RC/Dec.2) agreed by States Parties at the Review Conference in Kampala and previous resolutions and declarations of the Assembly of States Parties with regard to cooperation,<sup>1</sup> and the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2,

*Determined* to put an end to impunity by holding to account the perpetrators of the most serious crimes of concern to the international community as a whole, and *reaffirming* that the effective and expeditious prosecution of such crimes must be strengthened, inter alia, by enhancing international cooperation,

*Stressing* the importance of effective and comprehensive cooperation and assistance by States Parties, other States, and international and regional organizations, to enable the Court to fulfill its mandate as set out in the Rome Statute, and that States Parties have a general obligation to cooperate fully with the Court in its investigation and prosecution of crimes within its jurisdiction, including with regard to the execution of arrest warrants and surrender requests, as well as other forms of cooperation set out in article 93 of the Rome Statute,

*Welcoming* the report of the Court on cooperation,<sup>2</sup> submitted pursuant to paragraph 39 of resolution ICC-ASP/22/Res.5,

*Noting* that contacts with persons in respect of whom an arrest warrant issued by the Court is outstanding should be avoided when such contacts undermine the objectives of the Rome Statute,

*Noting also* the arrest guidelines issued by the Office of the Prosecutor for the consideration of States, including inter alia, the elimination of non-essential contacts with individuals subject to an arrest warrant issued by the Court and that, when contacts are necessary, an attempt is first made to interact with individuals not subject to an arrest warrant,

*Recognizing* that such contacts may be deemed essential by the State Party,

*Noting* the guidelines setting out the policy of the United Nations Secretariat on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses issued by the Court, as annexed to a letter dated 3 April 2013 by the Secretary-General of the United Nations to the President of the General Assembly and the President of the Security Council,<sup>3</sup>

*Recognizing* that requests for cooperation and the implementation thereof should take into account the rights of the accused,

*Commending* international and regional organizations' support for strengthening cooperation in the area of voluntary agreements,

*Recalling* the pledges relating to cooperation made by States Parties at the Review Conference in Kampala and *noting* the importance of ensuring adequate follow-up with regard to the implementation of pledges,

<sup>1</sup> including ICC-ASP/8/Res.2, ICC-ASP/9/Res.3, ICC-ASP/10/Res.2, ICC-ASP/11/Res.5, ICC-ASP/12/Res.3, ICC-ASP/13/Res.3, ICC-ASP/14/Res.3, ICC-ASP/15/Res.3, ICC-ASP/16/Res.2, ICC-ASP/17/Res.3, ICC-ASP-18/Res.3, ICC-ASP-19/Res.2, ICC-ASP-20/Res.2, ICC-ASP-21/Res.3, ICC-ASP-22/Res.5.

<sup>2</sup> ICC-ASP/23/21.

<sup>3</sup> <https://documents.un.org/doc/undoc/gen/n13/280/47/pdf/n1328047.pdf>.

*Taking note* of the “Independent Expert Review of the International Criminal Court and the Rome Statute System, Final Report”,<sup>4</sup> dated 30 September 2020, prepared by the Independent Experts,

*Taking note also* of the resolution on Review of the International Criminal Court and the Rome Statute system<sup>5</sup> requesting “the relevant Assembly mandates designated as responsible for assessing and taking possible further action, as appropriate, on relevant recommendations to continue with the assessment and, where necessary, to oversee implementation of the recommendations in 2024 and to submit to the Bureau the outcome of its consideration”,

*Deeply concerned* by the current security risks faced by the Court, including coercive measures taken against Court officials, the recent major cyber security breach, and ongoing attempts to undermine the Court’s cybersecurity, and *reiterating* the unwavering support of the States Parties for the Court, including through continuing to provide full and timely cooperation to the Court,

1. *Emphasizes* the importance of timely and effective cooperation and assistance from States Parties and other States under an obligation or encouraged to cooperate fully with the Court pursuant to Part 9 of the Rome Statute or a United Nations Security Council resolution, as the failure to provide such cooperation in the context of judicial proceedings affects the efficiency of the Court, and *stresses* that the non-execution of cooperation requests has a negative impact on the ability of the Court to execute its mandate, in particular when it concerns the arrest and surrender of individuals subject to arrest warrants;

#### **Execution of arrest warrants**

2. *Expresses serious concern* that arrest warrants or surrender requests against 30 individuals remain outstanding and *urges* States to cooperate fully in accordance with their obligation to arrest and surrender to the Court;

3. *Recalls* that international cooperation and judicial assistance are governed by Part 9 (articles 86 to 102) of the Rome Statute;

4. *Notes* the common efforts of the Office of the Prosecutor and the Registry to devise and implement common strategies and missions to foster the arrest of suspects within the inter-organ working group on arrest strategies created in March 2016;

5. *Notes also* the inter-organ retreat of the Court held on 18 July 2024 on the challenges posed by the execution of arrest warrants, and *welcomes* the recommendations for increased engagement with States Parties on the implementation of outstanding International Criminal Court arrest warrants dated 18 September 2024, presented to States Parties on 7 October 2024;

6. *Reaffirms* that concrete steps and measures to secure arrests need to be considered in a structured and systematic manner, based on the experience developed in national systems, the international ad hoc and mixed tribunals, as well as by the Court, regarding both tracking efforts and operational support;

7. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants;

8. *Urges* States Parties to avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party, *welcomes* the efforts of States and international and regional organizations in this regard, and *acknowledges* that States Parties may, on a voluntary basis, advise the Court of their own contacts with persons subject to a warrant of arrest made as a result of such an assessment;

<sup>4</sup> ICC-ASP/19/16.

<sup>5</sup> ICC-ASP/22/Res.6, para 8.



### **Implementation legislation of the Rome Statute**

9. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, in particular through implementing legislation and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such legislative and other measures, and to set up effective procedures and structures so as to ensure that they can fully meet their obligations under the Rome Statute regarding cooperation and judicial assistance;

10. *Acknowledges* efforts by States, by civil society organizations and by the Court, including through the Legal Tools Project, to facilitate exchange of information and experiences, with a view to raising awareness and facilitating the drafting of national implementing legislation and *underlines* the need to further exchange experience and best practices between States Parties;

### **Informal consultations and establishment of focal points**

11. *Recognizes* the important work of the national focal points for cooperation to ensure efficient assistance and communication in the execution of cooperation requests, and enhance information exchange, as a critical function for the implementation of the Court's mandate;

12. *Encourages* States to establish a national focal point and/or a national central authority or working group tasked with the coordination and mainstreaming of Court-related issues, including requests for assistance, within and across government institutions, as part of efforts aimed at making national procedures for cooperation more efficient, where appropriate;

13. *Recalls* the report to the thirteenth session of the Assembly on the feasibility study of establishing a coordinating mechanism of national authorities,<sup>6</sup> and *encourages* States Parties to continue the discussion;

14. *Emphasizes* the on-going efforts made by the Court in providing focused requests for cooperation and assistance which contribute to enhancing the capacity of States Parties and other States to respond expeditiously to requests from the Court, *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance and *invites* States to consider offering consultations and facilitating meetings between the Court's organs formulating the requests and the competent national authorities ultimately in charge of executing them with a view to finding solutions together on ways to assist or transmit the information sought and when appropriate, to follow up on execution of requests and discuss the most efficient way forward;

### **Financial investigations and freezing of assets**

15. *Recognizes* that effective and expeditious cooperation with regard to the Court's requests for the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crime is crucial to the provision of reparations to victims and for potentially addressing the costs of legal aid;

16. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, and, *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitating cooperation between the Court, States Parties, other States and international organizations;

17. *Recalls* the importance of the non-legally binding Paris Declaration on asset recovery, annexed to resolution ICC-ASP/16/Res.2;

18. *Welcomes* the development of the digital platform to reinforce the exchange of relevant information between States Parties to encourage inter-State cooperation and to

<sup>6</sup> Report of the Bureau on cooperation (ICC-ASP/13/29), annex II and appendix.

strengthen States' capacity to cooperate with the Court, to identify the practical challenges to the effective execution of the Court's requests for cooperation and to further raise awareness of the Court's mandate and requirements for financial investigations and asset recovery, and *decides* to continue the work with the Court and the Secretariat of the Assembly in order to enhance the platform further in 2025;

19. *Underlines* the importance of the Court's network of operational focal points in States Parties to enhance cooperation with the Court regarding financial investigations, tracing and freezing of assets, *encourages* the Court to continue this work in order to pursue the activities of this network and *encourages* States Parties to support the functioning of that network;

#### **Cooperation with the Defence**

20. *Urges* States Parties to cooperate with requests of the Court made in the interest of Defence teams, in order to ensure the fairness of proceedings before the Court;

#### **Agreement on the Privileges and Immunities of the International Criminal Court**

21. *Calls upon* States Parties as well as non-States Parties that have not yet done so to become parties to the Agreement on Privileges and Immunities of the International Criminal Court as a matter of priority, and to incorporate it in their national legislation, as appropriate;

#### **Voluntary cooperation**

22. *Acknowledges* the importance of victims and witnesses' protection, as well as the ability of the Court to enforce sentences of convicted accused, interim release of accused and release of acquitted persons for the execution of the Court's mandate;

23. *Welcomes* the new agreement on enforcement of sentences since the last resolution on cooperation,<sup>7</sup> and *stresses* the need for more enforcement of sentences and final and interim release agreements or arrangements with the Court;

24. *Calls upon* all States Parties and other States to consider strengthening their cooperation with the Court by entering into agreements or arrangements with the Court, or any other means concerning, inter alia, protective measures for victims and witnesses, their families and others who are at risk on account of testimony given by witnesses;

25. *Urges* all States Parties to consider making voluntary contributions to the Special Fund for Relocations that can be further used to cover relocation costs and capacity-building activities in States accepting witnesses and victims at risk in their territories;

26. *Emphasizes* that the need for cooperation with the Court on the enforcement of sentences and on interim and final release is likely to increase in the coming years as more cases proceed toward conclusion, *recalls* the principle enshrined in the Rome Statute that States Parties should share the responsibility for enforcing sentences of imprisonment and for the interim and final release, in accordance with principles of equitable distribution, and *calls upon* States Parties to actively consider the conclusion of agreements with the Court to this end;

27. *Commends and further encourages* the work of the Court on framework agreements or arrangements, or any other means in areas such as interim release, final release - also in cases of acquittal - and sentence enforcement which may be essential to ensuring the rights of suspects and accused persons, in accordance with the Rome Statute, and guaranteeing the rights of convicted persons and *urges* all States Parties to consider strengthening cooperation in these areas;

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<sup>7</sup> ICC-ASP/22/Res.5.

28. *Requests* the Bureau, through its working groups, to continue the discussions on voluntary framework agreements or arrangements and to report thereon to the Assembly at its twenty-fourth session;

#### **Cooperation with the United Nations**

29. *Welcomes and further encourages* the increased cooperation between the Court and the United Nations, and other international and regional organizations, relevant mechanisms for collecting and preserving evidence, and other inter-governmental institutions with a view to fostering the prosecution of crimes falling within the jurisdiction of the Court;

30. *Urges* States Parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council refers situations to the Court, ensuring diplomatic and financial support, cooperation by all United Nations Member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions;

#### **Diplomatic support**

31. *Emphasizes* the importance of States Parties enhancing and mainstreaming diplomatic, political and other forms of support for the Court, as well as promoting greater awareness and understanding of the activities of the Court at the international level, and *encourages* States Parties to use their capacity as members of international and regional organizations to that end;

32. *Encourages* all States Parties to continue to strongly demonstrate their diplomatic and political support for the Court, undeterred by any threats or measures against the Court, and to provide full support to the Court so that it can continue to operate effectively in the current enhanced threat environment;

#### **Promoting dialogue with all stakeholders**

33. *Welcomes* the work undertaken on the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,<sup>8</sup> and *recalls* the flyer prepared by the Court that can be used by all stakeholders to promote the 66 recommendations and increase their understanding and implementation by relevant national actors and the Court;

34. *Takes note* of the report of the Bureau on cooperation,<sup>9</sup> covering inter alia, the follow-up to the Paris Declaration on financial investigations and assets recovery and the work on a secured digital platform on cooperation, arrests, security of the Court and its current and former staff, cooperation agreements, and other priority areas for 2024;

35. *Requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States and relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;

36. *Encourages* the Bureau, through its working groups, to continue its review of the implementation of the 66 recommendations, in close cooperation with the Court, where appropriate;

37. *Encourages* the Bureau, through the facilitation on cooperation, in accordance with the resolution on the Review of the International Criminal Court<sup>10</sup> to monitor the

<sup>8</sup> Resolution ICC-ASP/6/Res.2, annex II.

<sup>9</sup> ICC-ASP/23/23.

<sup>10</sup> ICC-ASP/22/Res.6.

implementation of the recommendations related to cooperation, as appropriate, and to report thereon to the Assembly at its twenty-fourth session;

38. *Requests* the Bureau, through the facilitation on cooperation, to continue to address a number of issues that have been priorities in recent years, and as a matter of priority: to continue the work to further develop the content of the secured platform on cooperation; and to hold consultations on the advisability of developing regional thematic focal points on cooperation, of creating a permanent structure for a network of national practitioners and focal points on cooperation, and on the deepening of the relationship between the United Nations and its agencies and entities, including for capacity-building purposes in order to foster cooperation with the Court;

39. *Encourages* the Bureau to identify issues for the Assembly to continue holding plenary discussions on specific topics related to cooperation, including on the issue of financial investigations and arrests;

40. *Requests* the Bureau, through the facilitation on cooperation, to continue the work on arrests, including the recommendations for increased engagement with States Parties on the implementation of outstanding International Criminal Court arrest warrants dated 18 September 2024, in close cooperation with the Court;

41. *Recognizes* the importance of ensuring a safe environment for strengthening and fostering cooperation between civil society and the Court and of taking all necessary action to address threats and intimidation directed at civil society organizations;

42. *Welcomes* the plenary session on cooperation held during the twenty-third session of the Assembly of States Parties, which offered an opportunity for an enhanced dialogue between States Parties, the Court and members of civil society on voluntary cooperation, as well as a more technical discussion regarding ways States Parties can strengthen their support for the Court with existing tools, specifically by signing and ratifying the Agreement on the Privileges and Immunities of the Court, and *also welcomes* the signing of an enforcement of sentences cooperation agreement concluded between Poland and the Court during this Assembly;

43. *Recognizing* the importance of the Court's contribution to the Assembly's efforts to enhance cooperation, *welcomes* the Court's report on cooperation,<sup>11</sup> and *requests* the Court to submit an updated report on cooperation to the Assembly at its twenty-fourth session.

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<sup>11</sup> ICC-ASP/23/21.

## Resolution ICC-ASP/23/Res.6

*Adopted at the 9th plenary meeting, on 6 December 2024, by consensus*

### ICC-ASP/23/Res.6

## Resolution of the Assembly of States Parties on the proposed programme budget for 2025 and related policy and administrative matters

*The Assembly of States Parties,*

*Having considered* the 2025 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the reports of the Committee on Budget and Finance (“the Committee”) on the work of its forty-third session,<sup>1</sup> its forty-fourth session,<sup>2</sup> and its forty-fifth session,<sup>3</sup>

### Part I: Budget matters

#### A. Programme budget for 2025

1. *Approves* appropriations totalling €195,481,500 in the appropriation sections described in the following table:

<i>Appropriation section</i>		<i>Thousands of euros</i>
Major Programme I	Judiciary	16,285.4
Major Programme II	Office of the Prosecutor	62,185.5
Major Programme III	Registry	99,294.3
Major Programme IV	Secretariat of the Assembly of States Parties	3,438.7
Major Programme V	Premises	4,042.2
Major Programme VI	Secretariat of the Trust Fund for Victims	4,603.3
Major Programme VII-5	Independent Oversight Mechanism	1,117.2
Major Programme VII-6	Office of Internal Audit	929.8
Subtotal		191,896.4
Major Programme VII-2	Host State Loan	3,585.1
<b>Total</b>		<b>195,481.5</b>

2. *Decides* that, on a one-time basis, the amount of €928,100 of the total budget appropriations approved by the Assembly for the year 2025, comprising non-recurrent costs, shall be financed using the anticipated 2023 cash surplus arising from the payment of outstanding contributions and shall therefore not be assessed for contributions from States Parties;

3. *Notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises and have made such payments in full will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan, amounting to €3,585,100;

4. *Further notes* that these contributions, as well as the portion of the approved budget to be financed from the anticipated 2023 cash surplus, as exceptionally decided in paragraph 2 above, will bring down the level of the 2025 programme budget appropriations that need

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

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

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

to be assessed for contributions by States Parties from €195,481,500 to €190,968,300, and that this amount will be assessed following the principles described in section B;

5. *Resolves* that, for 2025, assessed contributions for the budget amounting to €190,968,300 of the budget appropriations approved by the Assembly under paragraph 1 will be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court; and

6. *Further approves* the following staffing tables for each of the above appropriation sections:

	Office of the Judiciary		Office of the Prosecutor Registry	Secretariat of the Assembly of States Parties	Secretariat of the Trust Fund for Victims	Independent Oversight Mechanism	Office of Internal Audit	Total
USG	-	1	-	-	-	-	-	1
ASG	-	2	1	-	-	-	-	3
D-2	-	-	-	-	-	-	-	-
D-1	-	3	3	1	1	-	1	9
P-5	2	19	22	1	-	1	-	45
P-4	4	38	45	1	4	2	1	95
P-3	21	99	82	2	2	-	2	208
P-2	12	92	95	1	5	1	-	206
P-1	-	21	6	-	-	-	-	27
<i>Subtotal</i>	<i>39</i>	<i>275</i>	<i>254</i>	<i>6</i>	<i>12</i>	<i>4</i>	<i>4</i>	<i>594</i>
GS-PL	1	2	15	1	-	-	-	19
GS-OL	11	76	275	3	4	1	1	371
<i>Subtotal</i>	<i>12</i>	<i>78</i>	<i>290</i>	<i>4</i>	<i>4</i>	<i>1</i>	<i>1</i>	<i>390</i>
<b>Total</b>	<b>51</b>	<b>353</b>	<b>544</b>	<b>10</b>	<b>16</b>	<b>5</b>	<b>5</b>	<b>984</b>

## B. Scale of assessment for the apportionment of expenses of the Court

*The Assembly of States Parties,*

1. *Decides* that for 2025, the contributions of States Parties should be provisionally assessed, based on the agreed scale of assessment published in the report of the United Nations Committee on Contributions,<sup>4</sup> in the absence of the approved scale for 2025, and adjusted in accordance with the principles on which the scale is based;<sup>5</sup>

2. *Further decides* that the final assessments shall be based on the scale adopted by the United Nations General Assembly at its 79th session for its regular budget, applied for 2025, and adjusted in accordance with the principles on which that scale is based; and

3. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

## C. Transfer of funds between major programmes under the 2024 approved programme budget

*The Assembly of States Parties,*

*Recognizing* that under regulation 4.8 of the Financial Regulations and Rules no

<sup>4</sup> A/79/11.

<sup>5</sup> Rome Statute of the International Criminal Court, article 117.

transfer between appropriation sections may be made without authorization by the Assembly,

1. *Decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes at the conclusion of 2024 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund; and
2. *Also decides* that the Court may transfer any remaining funds between major programmes at the conclusion of 2024 should some major programmes<sup>6</sup> not be able to absorb the additional costs relating to salary adjustments notified by the International Civil Service Commission whilst a surplus exists in other major programmes.

## D. Development of budget proposals

*The Assembly of States Parties,*

1. *Requests* the Court to present a sustainable budget proposal for its 2026 programme budget, based on transparent and strict financial assessments and needs-analysis. Proposed increases above the level of the 2025 approved budget should be requested only when demonstrably necessary for the purpose of mandated activities and after all possible steps have been taken to finance such increases through savings and efficiencies;
2. *Recalls* that the proposed programme budget should present the costs for the following year by first highlighting the costs of maintaining current activities, then proposing changes to those activities, including full costings of such changes, and *emphasizes* that these changes should avoid duplication of functions and positions between the different organs of the Court;
3. *Invites* the Court to continue to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly, *encourages* the Court to make all efforts to ensure a balanced budget, as appropriate, across organs, and *emphasizes* that the Court should strive to present accurate and sustainable budget proposals based on robust forecasts;
4. *Welcomes* the recommendation of the External Auditor<sup>7</sup> that the Court question the nature of current appropriations when preparing the annual budget proposal, to avoid a gradual drift in budget appropriations;
5. *Recalls* the conclusions of the External Auditor with regard to financial trade-offs<sup>8</sup> and *further recalls* that States Parties support the Court in many ways, also outside the normal budgetary process;
6. *Welcomes* the savings and efficiencies achieved by the Court in 2024 and projected for 2025, as set out in the annex to the proposed programme budget for 2025,<sup>9</sup> as well as the Court's commitment to continue this practice, *takes note* of the fact that instead of setting annual efficiency targets as requested by the Assembly, the Court promotes a culture of continuous improvement in identifying and implementing efficiencies and savings,<sup>10</sup> and *decides* to keep this matter under consideration;
7. *Further welcomes* the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, *encourages* continued improvement, and *notes* that the Committee will be updated ahead of its forty-seventh session on the measures taken by the Court and will include its comments in its reports to the Assembly of States Parties;
8. *Requests* the Court to provide, as an annex to the draft budget proposal, an organigram with the number of full-time equivalent posts by section and office indicated, as a way to increase transparency on the organizational structure of the Court, and *further requests* the Chambers to provide a programme of work with detailed information on workload and

<sup>6</sup> Excluding Major Programmes I, II and III.

<sup>7</sup> Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 2.

<sup>8</sup> *Ibid.*, para. 213.

<sup>9</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part A, annex XIV.

<sup>10</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part A, para. 111.

calendar projections of all judicial activity based on available data, with due regard to confidentiality and the independence of the Court;

9. *Requests* the Court to provide, as an annex to the proposed programme budget, a table presenting the total costs by field office and a breakdown of costs, for each field office, directly related to the different stages of prosecutorial and judicial activities and workload with a view to increasing transparency, *underlines* that some Independent Expert Review recommendations address the issue of use of resources in the field and were assessed positively in 2022,<sup>11</sup> and *urges* the Court to continue to make full use of resources modulation and flexibility, including related to staff, in order to adapt to changes in activity and workload;

10. *Further requests* the Court and the Committee, in order to pursue cost effective and efficient practices, to consider as inflationary pressures only those costs related to changes in the United Nations Common System (UNCS) salary scales and non-staff inflation costs when there is a contract with a clear indication of price indexation (contractual obligations) and following negotiations with vendors; and

11. *Requests* the Committee, at its forty-seventh session, to discuss with the Court the usage of standard accounting terminology rather than the term “unavoidable costs”, and to report on the outcome of the discussions and any recommendations thereon, including on methodology, for the consideration of States Parties through the Budget Management Oversight topic.

## **E. A strategic approach to an improved budgetary process**

*The Assembly of States Parties,*

*Bearing in mind* the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out their duties,

1. *Reiterates* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee in both working languages of the Court, *emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, and *strongly encourages* the Committee to ensure that its reports are published no more than one month after its session;

2. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying potential duplications and promoting synergies within as well as between the different organs of the Court;

3. *Welcomes* the Court’s continued efforts to fully implement the “One-Court principle” when establishing the proposed programme budget, which has resulted in improvements to the budgetary process;

4. *Welcomes* the continued work of the Court on the topic of performance indicators as an important tool to fulfil its functions, in particular with regard to effective leadership and management, and *encourages* the Court to continue this work in light of the recommendations of the External Auditor and to share with States Parties any update on the development of performance indicators;

5. *Welcomes* the continued steps taken by the Board of Directors and the Secretariat of the Trust Fund for Victims to increase the Fund’s efficiency and effectiveness in implementing its mandate, including those in line with relevant recommendations from the Independent Expert Review and the Independent Oversight Mechanism and the resolution on the review of the International Criminal Court and the Rome Statute system;<sup>12</sup>

6. *Notes* the importance of frequently reconsidering the value of current activity, including any opportunities for redeployment,<sup>13</sup> and *recalls* that careful prioritization is an important principle of efficient and effective management and is key to achieving successful outcomes;

<sup>11</sup> ICC-ASP/21/18, para. 57.

<sup>12</sup> Resolution ICC-ASP/20/Res.3.

<sup>13</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 27.



7. *Requests* the Court, in consultation with the Committee, to continue to develop its budgetary process, guided by the Registry, by:

(a) Further strengthening the “One-Court principle” by ensuring that the budget process and its underlying assumptions and objectives are based on coordinated and robust strategic planning and prioritization;

(b) Further enhancing dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage;

(c) Employing maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploying resources based on actual workload requirements;

(d) Continuing to explore ways to preserve the Court’s long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties; and

(e) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhancing budget predictability;

8. *Reiterates* its request to the Court, guided by the Registry, to develop an action plan to identify and implement measures to reduce avoidable costs incurred by each major programme, with concrete results to be presented to the twenty-fourth session of the Assembly of States Parties;

9. *Requests* the Court to continue submitting its annual report on activities and programme performance including, as appropriate, relevant information on the approved budget, expenditure and variance at the sub-programme level with all budget lines, as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

10. *Recalls* the recommendation of the Committee at its thirty-ninth session in relation to budget forecasting,<sup>14</sup> *notes* the progress made by the Court in this regard,<sup>15</sup> and *requests* the Court to continue to enhance its financial forecast system with a view to improving budgetary predictability and to report to the Committee at its forty-seventh session;

11. *Welcomes* the monthly financial reports provided by the Court to States Parties, showing monthly figures on cash flow, balances of the General Fund, the Working Capital Fund and the Contingency Fund, the status of assessed contributions, and monthly and annual cash flow forecasts, and *emphasizes* the usefulness of these reports; and

12. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle.

## F. Working Capital Fund for 2025

*The Assembly of States Parties,*

*Recalling* that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,<sup>16</sup>

*Recalling also* its resolution<sup>17</sup> at its twenty-first session that the Working Capital Fund for each year shall be established in the amount of one-twelfth of the approved budget appropriations for the previous year,

1. *Notes* that the Working Capital Fund for 2024 was established in the amount of €14.4 million;

2. *Also notes* that the current level of the Working Capital Fund is €11.5 million;

3. *Resolves* that the Working Capital Fund for 2025 shall be established in the amount

<sup>14</sup> *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, para. 238.

<sup>15</sup> Report on the Court’s development of internal processes for a financial forecast system with a view to improving budgetary predictability (CBF/44/3).

<sup>16</sup> Financial Regulations and Rules, regulation 6.2.

<sup>17</sup> ICC-ASP/21/Res.1, section B, para. 3.

of €15.6 million, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court; and

4. *Decides* that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

## G. Contingency Fund

*The Assembly of States Parties,*

*Recalling* its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

*Recalling also* that the Contingency Fund was established to ensure that the Court can meet: (a) costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; (b) unavoidable expenses for developments in existing situations that could not be accurately estimated at the time of the adoption of the budget; and (c) costs associated with an unforeseen meeting of the Assembly,<sup>18</sup>

*Taking note* of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

*Recalling* that the Assembly, at its sixteenth session, decided that, should the Contingency Fund fall below €5.8 million by its seventeenth session, the Assembly would assess the need for its replenishment, bearing in mind the report of the Committee on Budget and Finance,<sup>19</sup> and regulation 6.6 of the Financial Regulations and Rules,

*Noting* the reports of the Court<sup>20</sup> on the practices in place in other international organizations regarding contingency funds and their replenishment, as well as the related observations and recommendations of the Committee,<sup>21</sup>

1. *Notes* that the current level of the Contingency Fund is €1.5 million, and that after resorting to the 2022 cash surplus to replenish the Contingency Fund pursuant to the decision of the Assembly at its twenty-second session,<sup>22</sup> the level of the Contingency Fund will reach €5.6 million;

2. *Decides* to maintain the Contingency Fund at the notional level of €7.0 million for 2025;

3. *Also decides* that the anticipated cash surplus from 2023 shall exceptionally be used to replenish the Contingency Fund;

4. *Requests* the Bureau to keep the €7.0 million threshold under review in light of further experience on the functioning of the Contingency Fund; and

5. *Requests* the Court, the Judiciary, and the Secretariat of the Assembly of States Parties to absorb within their approved budgets for 2025 the following additional costs which may arise after the adoption of this resolution:

a) for the Court, in the event that financial sanctions are imposed on the Court, its officials or personnel, any additional costs in relation to the financial ramifications of such an event on the business continuity of the Court;

b) for the Judiciary, in the event that a further extension of the mandate of judges is required in 2025, any additional costs related to those extensions which cannot be covered from the anticipated 2023 cash surplus as set out in section A, paragraph 2; and

c) for the Secretariat of the Assembly of States Parties, any additional costs in relation to the review of the amendments on the crime of aggression<sup>23</sup> which cannot be covered from the anticipated 2023 cash surplus as set out in section A, paragraph 2;

<sup>18</sup> Financial Regulations and Rules, regulation 6.6.

<sup>19</sup> *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2.

<sup>20</sup> CBF/44/4 and CBF/45/10.

<sup>21</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.2, paras. 41 to 45, and part B.3, paras. 261 to 272.

<sup>22</sup> Resolution ICC-ASP/22/Res.4, section D, para. 3.

<sup>23</sup> Resolution ICC-ASP/23/Res.1, annex I, para. 16(b).

and *decides* that, after all such efforts have been exhausted, including the exceptional transfer of any funds between major programmes pursuant to relevant Assembly resolutions, the Court may exceptionally resort to the Contingency Fund for such additional resources, with due observance of the provisions set out in regulations 6.7 and 6.8 of the Financial Regulations and Rules.

## H. Outstanding contributions

*The Assembly of States Parties,*

1. *Notes with serious concern* the state of arrears and the report of the Bureau on the arrears of States Parties<sup>24</sup> and *welcomes* that the Court has received 94 per cent of the assessed contributions to the 2024 budget;
2. *Continues to underline* the importance of endowing the Court with the necessary financial resources and the relevant provisions of resolution ICC-ASP/4/Res.4 concerning timely payments of assessed contributions and arrears, *urges* all States Parties to pay their assessed contributions in full and on time in accordance with the Financial Regulations and Rules of the Court, and *decides* to keep the issue under review and continue to consider the relevant recommendations of the report of the Independent Expert Review, the Committee, the External Auditor and other bodies; and
3. *Recalls* the Court's development of guidelines<sup>25</sup> for States Parties which are in arrears and subject to the provisions of article 112, paragraph 8, of the Rome Statute, and which face significant economic hardship, to enter into voluntary and sustainable payment plans and to work voluntarily, in coordination with the Court, to develop such payment plans, and *further requests* the Court to keep States Parties informed of any such payment plans and their implementation through The Hague Working Group facilitation on the budget, including via the monthly financial reports provided to States Parties.

## I. Referrals by the Security Council

*The Assembly of States Parties,*

*Recalling* article 115, paragraph (b), of the Rome Statute in relation to the expenses incurred due to referrals by the Security Council, as well as article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, requiring separate arrangements to set out the conditions under which the United Nations may provide the Court with funds subject to the approval of the General Assembly,

1. *Notes with concern* that the amount of €98.1 million, contained in the report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,<sup>26</sup> has been borne exclusively by States Parties;
2. *Requests* the Court, guided by the Registry, to continue including this matter in its institutional dialogue with the United Nations and to report on the outcome of the discussions and any recommendations thereon to the twenty-fourth session of the Assembly.

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<sup>24</sup> ICC-ASP/23/16.

<sup>25</sup> ICC-ASP/18/6.

<sup>26</sup> ICC-ASP/23/17.

## Part II: Administrative and policy matters

### J. Budget Management Oversight

*The Assembly of States Parties,*

1. *Notes* that the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims are dynamic and updated on a regular basis;
2. *Recalls* the Strategic Plans (2023-2025) for the Court, the Registry, the Office of the Prosecutor, and the Trust Fund for Victims and *also recalls* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims;
3. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;
4. *Invites* the Court, the Office of the Prosecutor, the Registry, and the Trust Fund for Victims to report annually to the Assembly on the implementation of the Strategic Plans in writing, and *invites* the Court to hold annual consultations with the working groups of the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year;
5. *Welcomes* in this regard the report of the Court on Key Performance Indicators (KPIs) for 2023,<sup>27</sup> which presented the annual results of the KPIs as outlined in the International Criminal Court's Strategic Plan 2023-2025;
6. *Recalls* the management oversight responsibility entrusted to the Assembly of States Parties and the mandates of the Audit Committee, the Committee on Budget and Finance, the External Auditor and the Independent Oversight Mechanism as well as the Office of Internal Audit, and *encourages* these bodies to further intensify their coordination in order to optimize oversight capacity and reporting, ensure an effective division of labour and avoid duplication of competence and work;
7. *Welcomes* the continuous efforts of the oversight bodies to streamline their activities and *invites* them to continue their efforts in that regard;
8. *Welcomes* the increased interaction between these bodies and States Parties, and the initiatives to continue to improve such interactions including via informal meetings;
9. *Recalls* relevant decisions of the Assembly of States Parties concerning the Secretariat of the Assembly of States Parties,<sup>28</sup> as well as the respective recommendations of the former External Auditor,<sup>29</sup> *notes* the positive assessment by States Parties of the last part of recommendation 4 of the report of the former External Auditor on International Criminal Court governance oversight,<sup>30</sup> therefore *decides* to suppress the Executive Secretariat/Executive Secretary to the Committee on Budget and Finance and the Audit Committee, and *welcomes* efforts to further improve synergies and flexibility as regards the human resources of the Secretariat of the Assembly; and
10. *Notes* that the Secretariat of the Assembly of States Parties shall continue to provide the Committee on Budget and Finance and the Audit Committee with substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities,<sup>31</sup> taking into account the specificity of the mandate and competencies of the respective committees.

<sup>27</sup> <https://www.icc-cpi.int/sites/default/files/2024-07/2024-KPI-ENG.pdf>.

<sup>28</sup> ICC-ASP/2/Res.3; *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part 2, footnote 9; and ICC-ASP/18/Res.1, annex, rule 16, para. 1. See also ICC-ASP/18/INF.7, Amendments to the Rules of Procedure of the Committee on Budget and Finance, rule 16, para. 1.

<sup>29</sup> External Auditor: Final report on the International Criminal Court governance oversight (ICC-ASP/20/6).

<sup>30</sup> Report of the focal point for the topic of Budget Management Oversight (ICC-ASP/23/30, annex I), para. 7.

<sup>31</sup> Resolution ICC-ASP/2/Res.3, annex, para. 4.

## K. Audit

*The Assembly of States Parties,*

*Having regard* to the Charter of the Audit Committee, adopted at its fourteenth session,<sup>32</sup> as amended,

*Noting* the recommendations of the Committee on Budget and Finance concerning audit matters,<sup>33</sup>

*Recalling* the findings and recommendations in the final report of the Independent Expert Review of the International Criminal Court and the Rome Statute system related to Internal and External Oversight Mechanisms,<sup>34</sup> including the positive assessment given to recommendation R367<sup>35</sup> and the subsequent technical deliberations on the determination of the appropriate international audit standards,

*Recalling also* the External Auditor's final report on International Criminal Court governance oversight,<sup>36</sup>

1. *Welcomes* the reports of the Audit Committee on the work of its nineteenth and twentieth sessions;
2. *Decides* to extend the term of the External Auditor, the Board of Audit and Inspection of the Republic of Korea, so as to include the financial statements of the Court and the Trust Fund for Victims for the financial years 2025 to 2028;
3. *Welcomes* the confidential performance audit report on cybersecurity submitted by the External Auditor;
4. *Decides* to adopt the amended Charter of the Audit Committee as reflected in annex I to this resolution;
5. *Requests* the Secretariat of the Assembly of States Parties to circulate, through the diplomatic channel, any future vacancy announcements for members of the Audit Committee, pursuant to paragraph 12 of the amended Charter of the Audit Committee;
6. *Takes note* of the recommendations made by the selection panel and *decides* to appoint Mr. Mika Tapio (Finland) and Mr. Amiri Abdallah (Uganda) as members of the Audit Committee for a term of three years starting on 1 January 2025; and
7. *Decides* that the amendments to the provisions of the Charter of the Audit Committee concerning the composition of the Audit Committee shall not affect the terms of the current members.

## L. Premises of the Court

*The Assembly of States Parties,*

*Noting* the recommendations of the Committee on Budget and Finance regarding maintenance and capital replacement for the premises of the Court,<sup>37</sup>

1. *Approves* capital replacement for the premises of the Court at the level of €1.6 million in 2025, while underlining the need to see maintenance and capital replacement in conjunction;

<sup>32</sup> *Official Records ... Fourteenth session ... 2015 (ICC-ASP/14/20)*, vol. II, part B.3, annex IV.

<sup>33</sup> *Official Records ... Twenty-third session ... 2024 (ICC-ASP/23/20)*, vol. II, part B.2, paras. 93 to 101 and *Official Records ... Twenty-third session ... 2024 (ICC-ASP/22/20)*, vol. II, part B.3, paras. 312 to 318.

<sup>34</sup> ICC-ASP/19/16.

<sup>35</sup> R367. As a work unit located in the Registry, the [Office of Internal Audit (OIA)] would more properly report to the Principals rather than to the Audit Committee, a subsidiary of the ASP. This would not prevent the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body's role towards the OIA would be overseeing the adequacy of the framework set up for the Court's internal audit function, rather than oversight of the substance of the OIA's work.

<sup>36</sup> ICC-ASP/20/6.

<sup>37</sup> *Official Records ... Twenty-third session ... 2024 (ICC-ASP/23/20)*, vol. II, part B.2, paras 117 to 125, and part B.3, paras. 181 to 191.

2. *Welcomes* the report of the Court on the independent assessment of the headquarters premises and the review of its capital replacement plans<sup>38</sup> and *urges* the Court to advance with the implementation of a medium and long-term capital replacement plan, as recommended by the pro-bono expert designated by the Assembly of States Parties;
3. *Reiterates* the need for the capital replacement to be fully justified and limited only to those elements which are absolutely necessary and *requests* the Court to continue to ensure that all measures are taken to achieve savings and efficiencies, including using alternatives to capital replacement whenever possible;
4. *Notes* that any capital replacement needs arising in the foreseeable future should be financed within the scope of the regular budget process, taking into account the possible need for a multi-year approach, as appropriate;
5. *Invites* the Committee to continue to undertake a detailed analysis and evaluation of the proposed budget for capital replacement each year, taking into account the need for prioritization;
6. *Emphasizes* the importance of availability of adequate space and unimpeded/facilitated/priority access of States Parties to the premises and within the public areas of the Court, including the conference rooms,<sup>39</sup> staff cafeteria and library, *welcomes* the efforts undertaken by the Court to seek and provide appropriate solutions and *encourages* the continuation of discussions in this regard and in that spirit; and
7. *Reaffirms* that the Bureau is entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget.

## M. Human Resources

*The Assembly of States Parties,*

1. *Requests* the Court to continue to be guided by the importance of ensuring flexibility in the management of its human resources, notably in reacting to evolving situations, needs and workload, within and between organs, including by, as appropriate, reviewing the relevant administrative instructions related, but not limited, to recruitments and mobility of staff;
2. *Underlines* the inherent value of multilingualism in promoting and preserving the diversity of languages and cultures and its contribution to efficiency, effectiveness and transparency in the activities of the Court, *calls for* greater emphasis to be placed on staff knowledge of the Court's official and working languages, as appropriate, and *recalls* the principles of equitable geographical representation and gender balance in the recruitment of staff;<sup>40</sup>
3. *Invites* the Court to expand its training for staff sitting on recruitment panels to avoid any undue disadvantage or unconscious bias against applicants interviewed in a language other than their mother tongue, *requests* the Court to develop its language training policies to promote continuous improvement of the proficiency of staff in the official and working languages of the Court and other languages, as appropriate, including training for newly recruited staff proficient in only one of the working languages, and to consider ways to ensure adequate funding for this purpose;
4. *Invites* States Parties to positively consider making contributions to the Trust Fund for the Development of Interns and Visiting Professionals in order to allow applicants who are nationals from a country that is a State Party to the Rome Statute and appears on the United Nations Statistics Division's list of developing regions to gain transferable experience in a multicultural, international workplace, and to allow the Court to benefit from the input of interns and professionals;
5. *Urges* the Court to reduce its vacancy rate, which could help to improve workplace conditions;

<sup>38</sup> CBF/44/18.

<sup>39</sup> Cluster 1.

<sup>40</sup> Resolution ICC-ASP/20/Res.5, preambular paragraph 26, para. 88, paras. 122-131.

6. *Requests* the Court to engage in negotiations with the United Nations with the aim of concluding a memorandum of understanding on the establishment of the United Nations Volunteers programme, within existing resources, and to report on its progress to the Committee at its forty-seventh session;
7. *Recalls* the recommendation of the Committee<sup>41</sup> that the Assembly approve the Court joining the International Civil Service Commission of the United Nations with a full membership, and that the Court absorb the related membership costs, and *also recalls* its request for the Court to engage in negotiations with the ICSC on the applicable agreement, with the purpose of presenting a proposal to the Assembly for its consideration and adoption at its twenty-third session;<sup>42</sup>
8. *Notes* that the Committee was updated by the Court on this matter at its forty-fourth session,<sup>43</sup> including receiving a presentation by the International Civil Service Commission;
9. *Accepts* the Statute of the International Civil Service Commission and its amendments adopted by the United Nations General Assembly at its seventy-seventh session on 30 December 2022 in resolution 77/256 and pursuant to article 30 of the Statute of the International Civil Service Commission, and *requests* the Registrar to undertake the necessary steps to complete the acceptance procedure without delay;
10. *Notes* that the Court provided the Committee with the overview of proposed amendments to the Staff Regulations and Rules to, inter alia: (i) establish the new parental leave scheme in conformity with the United Nations Common System standards, and (ii) amend the unaccompanied shipment entitlement following the changes to the United Nations Common System compensation package successfully implemented by the Court in accordance with the timelines approved by the Assembly;<sup>44</sup>
11. *Further notes* that the Committee recommended that the Assembly approve the proposed amendments to the Staff Regulations and Rules;<sup>45</sup> and
12. *Decides* to adopt the amendments to the Staff Regulations set out in annex II to this resolution, *takes note* of the text of the amended provisional Staff Rules submitted by the Court and *considers* that those amendments are consistent with the intent and purpose of the Staff Regulations.

## N. Security Blueprint

*The Assembly of States Parties,*

*Recalling* that the Five-Year Information Technology and Information Management Strategy launched in 2017 was completed at the end of 2022,

*Bearing in mind* that the Information Technology and Information Management Strategy for 2023-2025 has been superseded by the Court's Security Blueprint,

*Reiterating* its concern over the major cyber security breach which took place in 2023, and ongoing attempts to undermine the Court's cybersecurity, and *welcoming* the Court's swift response to the cyberattack and the immediate actions taken, as well as the preparation of plans against future cyberattacks,

1. *Decides* that the Court should establish a Security Blueprint ring-fenced investment budget, totalling €8,312.0 thousand for the period 2025-2027, similar to the way the Five-Year Information Technology and Information Management Strategy was financed, whereby any unused amounts can be carried over to the following year, with the maximum utilization period extended by one additional year; and
2. *Requests* the Court to continue to report annually on the use of Information Technology costs across the Court and also to report separately on the implementation of the Security Blueprint.

<sup>41</sup> *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part B.3, para. 295.

<sup>42</sup> Resolution ICC-ASP/22/Res.4, section M, para. 5.

<sup>43</sup> CBF/44/9.

<sup>44</sup> ICC/ASP/15/Res.1, Section N, para 1.

<sup>45</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.1, para. 306.

## O. Interpretation for Hague Working Group meetings

*The Assembly of States Parties,*

*Recalling* that, under article 50, paragraph 2, of the Rome Statute, the working languages of the Court shall be English and French,

*Regretting* that, within the working groups of the Assembly of States Parties in The Hague, only the cooperation facilitation and the Review Mechanism have been interpreted into French in recent years,

*Noting* that, after the completion of the Review Mechanism, the cooperation facilitation would be the only working group in The Hague using the French language,

*Observing* that, due to the lack of French interpretation, some French-speaking countries do not participate in Hague Working Group meetings,<sup>46</sup> which is the most cross-cutting working group of interest for many ambassadors,

*Noting* that the use of both working languages would improve the participation of all States Parties in the work of the Assembly of States Parties,

*Further noting* that interpretation into French and English at Hague Working Group meetings might be cost-neutral by using firstly Court interpreters, when available, rather than external interpreters,

1. *Decides* that, as of 1 January 2025, Hague Working Group meetings shall be interpreted into French and English on a cost-neutral basis, within the budget allocated to the Secretariat of the Assembly of States Parties for interpretation; and
2. *Requests* the Secretariat of the Assembly of States Parties to use firstly Court interpreters, when possible, rather than external interpreters.

## P. Travel

*The Assembly of States Parties,*

*Emphasizing* the need for effective and efficient utilization of resources for air travel and daily subsistence allowance,

*Recalling* its decision to adopt provisions on standards of accommodation for air travel and daily subsistence allowance applicable as of 1 January 2024 to the officials of the Assembly of States Parties and members of its subsidiary bodies when travelling,<sup>47</sup> and *welcoming* the actions taken by the Court to align its standard operating procedures accordingly,

*Expressing concern* at the Court's high rate of non-compliance with its standard operating procedures on travel as found by the External Auditor, and *noting with appreciation* the recommendations of the External Auditor regarding travel expenses contained in the final audit report on the financial statements of the International Criminal Court for the year ended 31 December 2023,<sup>48</sup>

1. *Urges* the Court to make all efforts to ensure full compliance with its standard operating procedures on travel, *welcomes* in this regard the Committee's request for an update on the implementation of the recommendations of the External Auditor at its forty-seventh session,<sup>49</sup> and *notes* that States Parties will continue to consider the topic in the context of Budget Management Oversight;
2. *Requests* the Court to implement a system of monitoring and control of business travel procedures to increase compliance with operational processes and ensure travel costs reduction; and

<sup>46</sup> "Hague Working Group meetings" must be understood as the monthly meetings chaired by the Vice-President of the Assembly of States Parties and Coordinator of the Hague Working Group, not all meetings of the facilitations of that working group (complementarity, universality, budget, budget management oversight, premises, etc).

<sup>47</sup> Resolution ICC-ASP/22/Res.4, section Q, para. 1.

<sup>48</sup> Final audit report on the financial statements of the International Criminal Court for the year ended 31 December 2023 (ICC-ASP/23/12), paras. 34 to 60.

<sup>49</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.3, para. 319.



3. *Encourages* the Court to utilize available safe and secure communication technologies as a substitute for travel and/or to reduce the number of officials traveling on each mission, as well as the duration of such missions, with a view to rationalizing expenditures and reducing costs, without prejudice to its activities.

## **Q. Family visits for indigent detainees**

*The Assembly of States Parties,*

*Recalling* resolutions ICC-ASP/8/Res. 4 and ICC-ASP/9/Res.4 on family visits for indigent detainees and the principle of funding such visits through voluntary donations into the Trust Fund for Family Visits,

1. *Urges* States Parties, other States, non-governmental organizations, civil society and other entities to continue making immediate voluntary contributions to the Trust Fund for Family Visits and *calls on* other potential contributors to positively consider making contributions; and
2. *Notes* that the recurrent inability of the Court to meet the qualifying needs for family visits for indigent detainees can lead to more onerous situations, financially and legally, and *decides* that the Court may, within existing resources, subsidize family visits for indigent detainees using its regular budget in the exceptional and unavoidable situations where the Trust Fund for Family Visits is depleted or its available resources are insufficient to do so, in a manner fully consistent with all applicable administrative and judicial criteria.

## **R. Voluntary contributions**

*The Assembly of States Parties,*

*Having regard* to the Financial Regulations and Rules<sup>50</sup> adopted at its first session on 9 September 2002, as amended,

*Acknowledging* the role of voluntary contributions in supporting the Court's activities,

*Observing* the exponential growth in voluntary contributions to the Court over the years,

*Mindful* of maintaining a sustainable and apolitical source of revenue primarily from the regular budget provided by the Assembly,

1. *Recalls* that regulation 7.2 of the Financial Regulations and Rules provides for the development of criteria, to be adopted by the Assembly, on the subject of voluntary contributions, and *decides* that States Parties will consider the development of further criteria,<sup>51</sup> including on conflict of interest and sourcing of voluntary contributions from entities complicit in human rights abuses, in the context of Budget Management Oversight.

<sup>50</sup> *Official Records... First session ... 2002* (ICC-ASP/1/3 and Corr.1), part II.D.

<sup>51</sup> See resolution ICC-ASP/1/Res.11.

## Annex I

### Amended Charter of the Audit Committee

#### A. Introduction

1. The Audit Committee plays an important role in providing oversight of the governance, risk management, and internal control practices of the International Criminal Court (“the Court”). This oversight mechanism also serves to provide confidence in the integrity of these practices. The Audit Committee performs its role by providing independent advisory and assurance services to the Assembly of States Parties (“the Assembly”). The mandate of the Audit Committee derives from the Assembly’s approval of the recommendations of the Committee on Budget and Finance (“CBF”).<sup>1</sup>

#### B. Mandate and purpose

2. The Audit Committee assists the Assembly by reviewing and providing advice and guidance on the adequacy of the Court’s practices in relation to:

- (a) Governance structure;
- (b) Risk management;
- (c) Ethics;
- (d) Internal control framework;
- (e) Oversight of internal audit;
- (f) Oversight of external audit; and
- (g) Financial statements and public accountability reporting.

3. The list of mandates is non-exhaustive. The Audit Committee is empowered to address issues as needed to achieve its mandate and purpose.

4. The detailed responsibilities of the Audit Committee under this mandate and purpose are set out in Section L.

#### C. Authority

5. The authority of the Audit Committee to perform its work is established within the scope of its Charter. In discharging its responsibilities, the Audit Committee shall have unrestricted access to members of Court management and staff, as well as all relevant information it considers necessary to discharge its duties. The Audit Committee also shall have unrestricted access to records, data, and reports.

6. The Audit Committee is entitled to receive all such explanations from the Court’s management and staff that it deems necessary to discharge its responsibilities.

7. The Audit Committee may engage independent counsel and/or other advisers and consult the Committee on Budget and Finance as it deems necessary to carry out its duties on a cost-neutral basis.

#### D. Composition of the Audit Committee

8. The Audit Committee shall consist of five external members from States Parties to the Rome Statute. All members of the Audit Committee shall act in accordance with their professional judgement and be independent of States Parties and of the Court.

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<sup>1</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2, para. 134.

9. The members should collectively possess sufficient knowledge of audit, finance, IT, law, risk and control. As the responsibilities of the Audit Committee evolve in response to regulatory, economic and reporting developments, it is important that members' competencies and the overall balance of skills on the Committee be periodically evaluated to respond to emerging needs.

#### **E. Selection of the Audit Committee members through a competitive process**

10. Candidates are selected based on merit with careful consideration being given to geographical representation and gender balance.

11. A Selection Panel will be established comprising of:

- The President of the Assembly or the Vice-President of the Assembly in The Hague/Coordinator of The Hague Working Group;
- The Registrar (or his/her representative)
- The facilitator for the budget (or his/her representative).

12. The Selection Panel shall: approve a vacancy announcement to be circulated to States Parties and posted on the website of the Court and on a professional network such as LinkedIn for a period of two months; review the applications received against the published criteria; approve a short list for closer evaluation, including a possible interview; and recommend candidate(s) for approval by the Assembly.

#### **F. The Chair and the Vice-Chair of the Audit Committee**

13. Each year, at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.

14. The Chairperson and the Vice-Chairperson shall be elected for a term of one year. They shall be eligible for re-election twice.

15. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place.

16. If the Chairperson or the Vice-Chairperson ceases to be able to carry out his/her functions or ceases to be a member of the Audit Committee, he/she shall cease to hold such office and a new Chairperson or Vice-Chairperson shall be elected for the unexpired term.

17. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

18. The Chairperson, in the exercise of his/her functions, remains under the authority of the Audit Committee.

19. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson shall declare the opening and closing of each meeting of the Audit Committee, direct the discussions, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Audit Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Audit Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

20. The Chairperson shall represent the Audit Committee at a virtual annual meeting with the Chairperson of the Committee on Budget and Finance, to discuss their respective programmes of work and identify areas for knowledge-exchange, cooperation and synergies. The Chairperson will include a brief report of this meeting in the annual report to the Assembly.

21. The Chairperson shall represent the Audit Committee at relevant meetings.

**G. Terms of office**

22. The term of office for an Audit Committee member shall be three years. Members of the Audit Committee may not serve more than two terms.

**H. Secretariat services to the Audit Committee**

23. The Committee is assisted by the ASP Secretariat.

**I. Operational principles of the Audit Committee****1. Audit Committee code of ethics**

24. The Audit Committee shall conduct itself in accordance with the code of ethics of the Court, and with international standards.

**2. Communications**

25. The Audit Committee expects that all communication with management and staff of the Court, as well as with any external assurance providers, will be direct, open, and complete.

**3. Information requirements**

26. The Audit Committee shall establish and communicate its information requirements. These shall include the nature, extent, and timing of such information requirements. Information shall be provided to the Audit Committee at least six weeks prior to each meeting.

**4. Access to officials**

27. The Audit Committee shall have such unrestricted access to officials of the Court as may be required to discharge their duties.

**5. Incompatible activities**

28. Members of the Audit Committee shall have no financial interest in any activity relating to matters upon which the Audit Committee has the responsibility to make recommendations. Members of the Audit Committee shall not be eligible to assume any other functions at the Court.

**6. Conflict(s) of interest**

29. It is the responsibility of the Audit Committee member to disclose a conflict of interest or the appearance of a conflict of interest to the Audit Committee. If there is any question as to whether Audit Committee member(s) should recuse themselves from a vote, the Audit Committee shall vote to determine whether the member should recuse himself or herself.

**7. Confidentiality**

30. Members of the Audit Committee shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Audit Committee.

## **J. Operational procedures**

### **1. Meetings**

31. The Audit Committee shall meet when required and at least two times annually at the seat of the Court.

### **2. Convening of sessions**

32. Sessions of the Audit Committee shall be convened at the request of the majority of the members of the Audit Committee, the Chairperson of the Audit Committee, or at the request of the Assembly.

33. Before the Chairperson makes a request to convene a session of the Audit Committee, he/she shall consult the members of the Audit Committee, including on the date and duration of the session.

34. Any session of the Audit Committee called pursuant to a request of the Assembly shall be convened as soon as possible but no later than 60 days from the date of the request.

### **3. Quorum and decision-making**

35. The quorum for the Audit Committee shall be a majority of the members.

36. As a general rule, decision-making in the Audit Committee should be by consensus. If all efforts to reach a decision by consensus have been exhausted, decisions shall be taken by a majority of members present and voting.

37. Each member of the Audit Committee, including the Chairperson, shall have one vote.

38. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

### **4. Agenda**

39. The provisional agenda for each session of the Audit Committee shall be drawn up by the ASP Secretariat, in consultation with the Chairperson, and shall include:

- (a) All items proposed by the Audit Committee; and
- (b) All items proposed by the CBF and by the Assembly.

40. The provisional agenda for each session of the Audit Committee shall be communicated to its members and the Court as early as possible in advance of the session, but at least 21 days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Audit Committee sufficiently in advance of the session.

41. At the beginning of each session the Audit Committee shall adopt its agenda for the session, on the basis of the provisional agenda. The Audit Committee may, if necessary, amend the agenda.

## **K. Compensation of the Audit Committee members**

42. Members of the Audit Committee shall work on a *pro bono* basis, with the Court being responsible for travel, accommodation and related costs. Travel costs must comply with the Court's travel policy.

## **L. Responsibilities of the Audit Committee**

43. It is the responsibility of the Audit Committee to provide the Assembly with independent, objective advice on the adequacy of Court management's arrangements with respect to the following aspects:

**1. Governance of the Court**

44. To obtain reasonable assurance with respect to the Court's governance arrangements, the Audit Committee shall review and provide advice on the governance arrangements established and maintained within the Court and the procedures in place to ensure that they are operating as intended.

**2. Risk management**

45. To obtain reasonable assurance with respect to the Court's risk management arrangements, the Audit Committee shall:

(a) Review and provide advice on the risk management arrangements established and maintained by management and the procedures in place to ensure that they are operating as intended;

(b) Provide oversight on significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by senior management;

(c) Review the Court's corporate risk profile as it is updated; and

(d) Obtain from the Internal Auditor an annual report on management's implementation and maintenance of an appropriate integrated risk management process.

**3. Ethics**

46. To obtain reasonable assurance with respect to the Court's ethics practices, the Audit Committee shall:

(a) Review and assess the policies, procedures, and practices established by the governing body to monitor conformance with its code of conduct and ethical policies by all Court's managers and staff;

(b) Provide oversight of the mechanisms put in place by management to establish and maintain high ethical standards for all Court's managers and staff; and

(c) Review and provide advice on the systems and practices established by management to monitor compliance with laws, regulations, policies, and standards of ethical conduct and identify and deal with any legal or ethical violations.

**4. Internal control framework**

47. To obtain reasonable assurance with respect to the Court's management control framework, the Audit Committee shall:

(a) Review and provide advice on the Court's overall and management units' internal control arrangements; and

(b) Receive reports on all matters of significance arising from work performed by others who provide financial and internal control assurance to senior management.

**5. Oversight of internal audit**

48. The Office of Internal Audit shall report to the Principals of the Court.

(a) The Audit Committee shall remain responsible for overseeing the adequacy of the Court's internal audit function and its independence in order to obtain reasonable assurance with respect to its internal audit activity:

(b) Review the internal audit charter when amended for its approval by the Principals. The charter should be reviewed to ensure that it is consistent with changes in the Court's financial, risk management, and governance arrangements and reflects developments in internal audit professional practices;

(c) Review and provide input on internal audit's strategic plan, programme goals, performance measures, and outcomes;

(d) Is consulted/Review the annual plan submitted by the Director of the Office of Internal Audit before its approval by the Principals;

(e) Advise the Court regarding the qualifications and recruitment, retention and release of the Director of the Office of Internal Audit;

(f) Provide input to the Registrar on the performance appraisal of the Director of the Office of Internal Audit;

(g) Review internal audit reports and other communications to management;

(h) Review and track management's action plans to address internal audit recommendations in a timely and substantive manner;

(i) Enquire from the Director of the Office of Internal Audit whether any internal audit engagements or tasks have been carried out that did not result in a report to the Audit Committee. If such activity has taken place, enquire as to the matters of significance, if any, arising therefrom;

(j) Enquire from the Director of the Office of Internal Audit about steps taken to ensure that the audit activity is consistent with the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing Standards; and

(k) Is consulted during the selection of the external assessor every five years to assess the performance of the Office of Internal Audit and receives the external assessor's report for its information.

## **6. Oversight of external audit**

50. To obtain reasonable assurance with respect to the work of the External Auditor, the Audit Committee shall meet with the External Auditor during planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations as required under international standards.

51. The Audit Committee shall review regular reports on the progress of implementing approved management action plans and audit recommendations resulting from completed external audits.

52. The Audit Committee shall examine and monitor of the independence of the External Auditor and of his recommendations, as well as of any other questions raised by the External Auditor.

53. The Audit Committee shall make recommendations to the Assembly concerning the nomination of the External Auditor.

## **7. Financial statements and public accountability reporting**

54. The Audit Committee is responsible for oversight of the independent audit of the Court's financial statements, including but not limited to overseeing the resolution of audit findings in areas such as internal control, legal and statutory compliance, and ethics.

## **8. Other responsibilities**

55. In addition, the Audit Committee shall:

(a) Perform other activities related to this charter as requested by the Assembly including providing input into the terms of reference, selection, performance of work, review of recommendations and monitoring of implementation of recommendations of external assurance providers; and

(b) Regularly evaluate its own performance and that of individual members.

**9. Reporting the work of the Audit Committee to the Assembly**

56. The Chairperson on behalf of the Audit Committee shall:

(a) Make an annual report to the Assembly summarizing its activities and recommendations;

(b) The report should include:

(i) A summary of the work performed by the Audit Committee to fully discharge its responsibilities during the preceding year;

(ii) A summary of the Court's progress in addressing corrective actions on the findings and recommendations made in internal and external audit reports;

(iii) An overall assessment of the Court's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes impacting the Court; and

(iv) Details of meetings, including the number of meetings held during the relevant period and the virtual meeting between the Chairperson and the Chairperson of the Committee on Budget and Finance.

57. The Audit Committee may, at any time, report to the Assembly any other matter it deems of sufficient importance.

**M. Languages**

58. The working languages of the Committee shall be the official working languages of the Court.

59. All recommendations and other documents of the Audit Committee shall be published in the official languages of the Court, unless otherwise decided by the Chairperson of the Audit Committee.



## Annex II

### Amendments to the Staff Regulations

**1. In regulation 3.2:**

Replace regulation 3.2 with the following text:

“The Registrar, in consultation with the Prosecutor, shall establish the salary scales, pensionable remuneration and conditions of salary increments for staff members of the Court appointed in the General Service category, the National Professional Officers category, and the Professional and higher categories, in conformity with the United Nations common system standards.”

**2. In regulation 6.2:**

Replace “maternity leave” with “parental leave”.

## Annexes

### Annex I

#### Report of the Credentials Committee

*Chairperson: Ms. Dea Hannust (Estonia)*

1. At its first and third plenary meetings, on 2 and 3 December 2024 respectively, the Assembly of States Parties to the Rome Statute of the International Criminal Court (“the Assembly”), in accordance with rule 25 of the Rules of Procedure of the Assembly, appointed a Credentials Committee for its twenty-third session, consisting of the following States Parties: Estonia, Japan, Republic of Korea, Mexico, Netherlands (Kingdom of), Panama, Switzerland, and Uganda.
2. The Credentials Committee held two meetings, on 4 and 6 December 2024.
3. The Credentials Committee had before it a regularly updated memorandum by the Secretariat concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the twenty-third session of the Assembly of States Parties.
4. Formal credentials of representatives to the twenty-third session of the Assembly, in the form required by rule 24 of the Rules of Procedure, had been received as at 5 December 2024 from the following 78 States Parties: Albania, Andorra, Armenia, Australia, Austria, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, (the Kingdom of) The Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).
5. Information concerning the appointment of the representatives of States Parties to the twenty-third session of the Assembly had been communicated to the Secretariat, as at 5 December 2024, by means of a cable, telefax or other electronic communication from the Head of State or Government or the Minister for Foreign Affairs, by the following 12 States Parties: Afghanistan, Argentina, Botswana, Cambodia, Central African Republic, Djibouti, Gambia, Mongolia, Montenegro, Sierra Leone, Uganda, United Republic of Tanzania,.
6. On the recommendation of the Chairperson, the Committee accepted the credentials of the representatives of all States Parties mentioned in the present report, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretariat as soon as possible.
7. On the proposal of the Chairperson, the Committee adopted the following draft resolution without a vote:
 

*“The Credentials Committee,*

*Having examined the credentials of the representatives to the twenty-third session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, referred to in paragraphs 4 and 5 of the present report;*

*Accepts the credentials of the representatives of the States Parties concerned.”*
8. The Chairperson then proposed that the Committee recommend to the Assembly the adoption of a draft resolution (see paragraph 10 below). The proposal was adopted without a vote.
9. In the light of the foregoing, the present report is submitted to the Assembly.

## Recommendation of the Credentials Committee

10. The Credentials Committee recommends to the Assembly the adoption of the following draft resolution:

**“Credentials of representatives to the twenty-third session of the Assembly of States Parties to the Rome Statute of the International Criminal Court**

*The Assembly of States Parties to the Rome Statute of the International Criminal Court,*

*Having considered* the report of the Credentials Committee on the credentials of representatives to the twenty-third session of the Assembly and the recommendation contained therein,

*Approves* the report of the Credentials Committee.”

## Annex II

### **Oral report on the activities of the Bureau, presented by the President of the Assembly at the 1st plenary meeting of the twenty-third session of the Assembly, on 2 December 2024**

1. As the President of the Assembly, I have the honour to report to the Assembly of States Parties on the activities carried out by its Bureau during the intersessional period (2023-2024).
2. I wish to express my gratitude for the work carried out by the two Vice-Presidents of the Assembly, Ambassador Michael Imran Kanu (Sierra Leone) and Ambassador Margareta Kassangana (Poland), in support of the work of the Bureau and as the Coordinators of the New York Working Group and The Hague Working Group, respectively.
3. I also wish to express gratitude for the support provided by the Secretariat to the work of the Presidency, the Bureau and its working groups, and all mandate-holders in New York and The Hague.

#### **A. Meetings and mandates**

4. During the intersessional period, the Bureau has held thirteen meetings to assist the Assembly in the discharge of its responsibilities under the Rome Statute.
5. The Bureau assigned the mandates decided by the twenty-second session of the Assembly to its working groups, and appointed facilitators and focal points for 2024.<sup>1</sup> The Bureau deeply appreciates their work during the intersessional period in successfully carrying out the mandates of the Assembly.

#### **B. Working methods**

6. The meetings of the Bureau have mostly been held virtually, which has allowed for the participation of Bureau members in The Hague, New York and capitals. Where possible, the meetings have benefited from interpretation in three official languages of the Assembly – English, French and Spanish.
7. The working groups, facilitations and focal points met both in-person and virtually, depending on the needs and requests of the respective groups.
8. The meetings of the Review Mechanism were all virtual in 2024, in keeping with its efforts to ensure a transparent, inclusive, State Party-driven process, in which States Parties, the Court and all stakeholders could participate. Its meetings also benefited from interpretation in the working languages of the Court, in order to ensure as broad participation as possible, except on the rare occasion where this was not possible.
9. Pursuant to the “Understanding on the participation of Observer States in meetings of the Assembly”, which was adopted by a Bureau decision of 18 October 2017, the Bureau took note, at its thirteenth meeting, on 28 November 2024, of a list of meetings of the Assembly and its subsidiary bodies with general membership which had been held in private in 2024.

#### **C. Secretariat of the Assembly**

10. Throughout the year, the Secretariat of the Assembly of States Parties has continued to carry out its mandate in assisting the Assembly and its subsidiary bodies, both in The Hague and New York, in accordance with resolution ICC-ASP/2/Res.3.
11. The Secretariat continued to support the collection of information on the promotion of universality and the full implementation of the Rome Statute. As at 31 October 2024, the Secretariat had received four responses to the questionnaire concerning the Plan of action for achieving universality and full implementation of the Rome Statute in 2024.

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<sup>1</sup> Appendix I.

12. The Secretariat continued to carry out its outreach, information-sharing and facilitating function via the “Complementarity Platform for technical assistance”, which aims to facilitate links between States Parties requesting technical assistance and actors in a position to assist national jurisdictions in their efforts to strengthen capacity to investigate or prosecute Rome Statute crimes. The Secretariat received three official requests for technical assistance from three States Parties. The Secretariat commenced consultations with the Court and other potential stakeholders to facilitate technical assistance to these States Parties.

13. Further to the year-long assessment of the Secretariat which the Bureau conducted in 2018, the Secretariat has continued to implement the measures foreseen in the respective Bureau report.<sup>2</sup>

14. Pursuant to paragraph 12 of resolution ICC-ASP/21/Res.4 concerning the review of the Court and the Rome Statute system, the Secretariat has continued to support the work of the Review Mechanism throughout 2024.

#### **D. Independent Oversight Mechanism**

15. In accordance with the mandate of the Assembly, the Independent Oversight Mechanism (IOM) submitted the “Annual report of the Head of the Independent Oversight Mechanism” to the Assembly.<sup>3</sup>

16. On 10 May 2023, the Bureau requested the IOM to conduct an evaluation of the Secretariat of the Assembly, focusing on issues of governance, resources, effectiveness, streamlining of functions and geographical representation. On 26 June 2024, the Head of the IOM submitted to me the report on the Evaluation of the Secretariat of the Assembly of States Parties. At its seventh meeting, on 3 July, the Bureau decided to refer the consideration of recommendation 3, which recommended redesigning the organizational structure of the Secretariat alongside a functional team formation, for consideration within the Budget Management Oversight topic in the Hague Working Group, given the overlap in substance with a recommendation from the former External Auditor which was already under consideration in that context. At its 2 October meeting, Vice-President Ambassador Kassangana briefed the Bureau on the ongoing discussions regarding the evaluation report in The Hague Working Group. At its 28 November meeting, the Bureau agreed to submit to the omnibus facilitator the draft resolution language on the evaluation which had been agreed in the working group.

17. On 24 October 2024 I issued a statement concerning public reports regarding alleged misconduct by the Prosecutor towards a member of his Office. Subsequently, on 28 October 2024, the Prosecutor requested the Head of the IOM to “open an immediate investigation under the umbrella of the IOM into misconduct allegations and surrounding circumstances relating to the official processes of the Court and what appears to be disinformation”. At its twelfth meeting, on 6 November, the Bureau was briefed by the Head of the IOM on the IOM’s assessment of the request and its reasons for closing the investigation. The Bureau agreed that the President should explore possibilities for an external investigation of the allegations, in consultation with the Vice-Presidents, and keep the Bureau informed. On 11 November I issued a further public statement indicating that I am seeking, on behalf of the Assembly Presidency, an external investigation into the matters related to alleged misconduct by the Prosecutor. An external investigation is being pursued in order to ensure a fully independent, impartial and fair process, in conformity with the legal framework of the ICC and the IOM and following a victim-centred approach. I must insist on due respect for the privacy and the rights of all involved parties as well as the confidentiality of the investigation. Further information can only be shared once the investigation has concluded.

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

18. By resolution ICC-ASP/22/Res.7, the Assembly decided to implement a tenure policy at the International Criminal Court as of 1 January 2025, decided to consider further the Court’s proposal on how to implement the tenure policy, and requested the Review

<sup>2</sup> ICC-ASP/17/39.

<sup>3</sup> ICC-ASP/23/18.

Mechanism to facilitate this work. The Review Mechanism held seven meetings to discuss this issue in 2024. The meetings also considered a proposal by the African group of States for the introduction of a moratorium on the recruitment of staff from non-States Parties. The Review Mechanism meetings agreed on the elements of a tenure policy and a moratorium, both to take effect on 1 January 2025. Draft resolutions addressing the topics of a tenure policy and a moratorium have been agreed by States Parties and submitted by the Review Mechanism in its report to the Assembly.

19. The Review Mechanism will conclude its mandate at the end of this session of the Assembly. In the draft resolution on the Review of the International Criminal Court and the Rome Statute system, the Review Mechanism has requested the Bureau to determine the appropriate forum for overseeing the implementation of the Independent Expert Review (IER) recommendations on five priority issues for which the Mechanism took responsibility: “Working culture”, “Relations with civil society and media”, “Tenure policy”, “A moratorium on the recruitment of staff from non-States Parties” and “Secretariat of the Trust Fund for Victims”. At the conclusion of its mandate, the Review Mechanism has indicated that all but one of the IER recommendations have been assessed. That assessment is reflected in the “Matrix on Progress in the assessment of the IER recommendations”.

20. I wish to commend the Review Mechanism on its excellent work throughout the past four years since its establishment. The Mechanism was chaired by Ambassador Paul van den IJssel (Netherlands) and Ambassador Michael Imran Kanu (Sierra Leone) throughout its mandate, and I wish to express special thanks to them, and also to the *ad country* focal points, Bangladesh, Chile and Poland, for their outstanding work and unstinting commitment to the cause. I thank also the Court focal points, the Court’s organs, States Parties, civil society and indeed all other stakeholders for their valuable contributions and support of the Review Mechanism. Much has been accomplished during the past four years. As the Ambassadors have said, this is not the end of the review process. Much work still remains to be done. The Bureau will determine the format for proceeding on the five topics mentioned above, and the existing facilitations will continue to provide oversight of the implementation of those IER recommendations that have been assessed positively or positively with modifications. The Review Mechanism became a fixture in our work, and we must now ensure that it continues to progress.

## **F. Preparations for the review of the amendments on the crime of aggression**

21. During 2024 the Bureau has considered on several occasions the mandate relating to the review of the amendments on the crime of aggression foreseen by the Kampala Review Conference,<sup>4</sup> as referenced in the omnibus resolution adopted at the twenty-second session of the Assembly.<sup>5</sup> A focal point on the preparations for the review of the amendments on the crime of aggression, Ms. Elisa De Raes (Belgium), was appointed by the Bureau on 22 August in order to gather the views of States Parties on the venue, format, dates and duration of the review.

22. At its twelfth meeting, on 6 November 2024, the Bureau considered the written report of the focal point.<sup>6</sup> The Bureau agreed that the review should be held at United Nations Headquarters in New York, from 7 to 9 July 2025, for a period of three working days. Draft language for the omnibus resolution requests the President, with the support of the Bureau, to continue the preparations for the review, including practical and organizational issues. At its 28 November meeting, the Bureau confirmed that the review would take the format of a special session, pursuant to article 112, paragraph 6, of the Rome Statute.

<sup>4</sup> Resolution RC/Res.6, para. 4: “*Further decides* to review the amendments on the crime of aggression seven years after the beginning of the Court’s exercise of jurisdiction”.

<sup>5</sup> Resolution ICC-ASP/22/Res.3, para. 157: “*Recalls* the decision taken by the first Review Conference to review the amendments on the crime of aggression seven years after the beginning of the Court’s exercise of jurisdiction and *notes* that this review is to be prepared ahead of 17 July 2025”.

<sup>6</sup> ICC-ASP/23/33.

## **G. Composition of the Bureau**

23. In 2024 the Bureau has considered the issue of its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, pursuant to the request from the Assembly contained in resolution ICC-ASP/22/Res.3.<sup>7</sup> A dedicated meeting on this topic was held on 18 July 2024. A written summary of the views expressed on this topic is contained in appendix II to this report. The Bureau will take up the matter again in 2025, with the benefit of this written summary.

## **H. Arrears**

24. I take the opportunity to express my appreciation to those States Parties that have paid their assessed contributions to the budget of the Court in a timely manner. While most States Parties have done so during the current year, a significant amount of outstanding contributions remains.

25. The Bureau has monitored the status of contributions at each of its meetings and considered ways to better address the problem of outstanding contributions and arrears. In particular, the Bureau has considered the issue of possible criteria for assessing requests for a waiver of the loss of voting rights pursuant to article 112, paragraph 8, of the Rome Statute. This issue will be taken up in 2025, and would benefit from consultations amongst all States Parties.

26. At its thirteenth meeting, on 28 November 2024, the Bureau recommended that the Assembly grant requests for waivers from the loss of voting rights at the twenty-third session of the Assembly, while emphasizing that consultations need to continue on the development of agreed criteria for assessing such waivers in the future.

27. I urge once more all States Parties with outstanding contributions to make every effort to settle the outstanding balances.

## **I. Recruitment of officials of the Assembly**

28. An important area of work for the Bureau in 2024 was the recruitment process for two officials of the Assembly, namely the Head of the IOM and the Director of the Secretariat of the Assembly. In both cases, the Bureau had adopted terms of reference which established recruitment panels to assist the Bureau with the recruitments.

29. On 1 July 2024, the Bureau decided to adopt the recommendations contained in the confidential report of the recruitment panel for the Head of the IOM which had been submitted to the Bureau pursuant to the terms of reference. The new Head of the IOM, Mr. Silvain Sana (Burkina Faso), takes up the position on 2 December 2024.

30. As regards the recruitment of the Director of the Secretariat of the Assembly, the Bureau looks forward to receiving the report of the recruitment panel in the near future.

31. I would like to take this opportunity to formally record my appreciation, on behalf of the Bureau and the Assembly, to the former Director of the Secretariat, Mr. Renan Villacis, and Head of the IOM, Mr. Saklaine Hedaraly, for their important contributions to the Court and the Rome Statute system.

## **J. Non-cooperation**

32. It is the responsibility of the Assembly, under article 112, paragraph 2, of the Rome Statute, to consider, pursuant to article 87 of the Statute, any question relating to non-cooperation. As requested by the Assembly, I have engaged throughout the year actively and constructively with all relevant stakeholders, in accordance with the Assembly procedures relating to non-cooperation.<sup>8</sup>

<sup>7</sup> Annex I, para. 11(i).

<sup>8</sup> ICC-ASP/10/Res.5, as amended by ICC-ASP/11/Res.8, annex I, and ICC-ASP/17/Res.5, annex II.

33. At its twelfth meeting, on 6 November 2024, the Bureau took note of the 24 October 2024 finding of Pre-Trial Chamber II in the situation in Ukraine (ICC-01/22-90). The Bureau also took note of the statement delivered by the requested State Party and of its request for leave to appeal to Pre-Trial Chamber II, alongside its application for the disqualification of certain judges to the Presidency of the Court and its urgent request with the Appeals Chamber.<sup>9</sup> The Bureau decided to defer the matter until all proceedings before the Court had concluded.

34. Throughout 2024 I have engaged in consultations with the authorities of the United Nations Secretariat in charge of establishing and overseeing policies in relation to non-essential contacts by the high-level officials of the United Nations.

## **K. Protection of the Court, its officials and those cooperating with it**

35. The protection of the Court, its officials and those cooperating with it remains a top priority for the Presidency and the Bureau. It is essential that the Assembly strives to protect the Court from attacks, and ensure that it preserves its integrity, impartiality and independence.

36. The strategy adopted by the Bureau on 29 July 2022 for responding to attacks against the Court, its officials and those cooperating with it<sup>10</sup> was applied to confront attacks faced by the Court during the intersessional period in 2024. On 17 May 2024, the Presidency of the Assembly issued a statement in support of the independence and impartiality of the International Criminal Court. I once again reiterate the Presidency's firm commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats or measures against the Court, its officials and those cooperating with it. I also wish to highlight the statement in support of the Court issued by over 93 States Parties on 14 June 2024.

37. Further to the "Guidelines for enhancing the security of participants in the regular sessions of the Assembly of States Parties and its side events",<sup>11</sup> which were adopted by the Bureau on 4 October 2023, I continue to consult with States Parties, the Court and civil society regarding possible further measures which could be undertaken. I encourage a continued dialogue to further reinforce the guidelines going forward.

## **L. Universality**

38. Universality is essential for the effectiveness and legitimacy of the Rome Statute system. The Court is a last resort institution, but it can only contribute to the emergent global system of justice if it indeed has the potential to intervene in all situations equally. Striving for universality is a shared responsibility of the Court and the Assembly. In light of this, the Presidency, in consultation with the Court, has made continued efforts to enhance universality, with the assistance of the ad country focal points, the Netherlands and the Republic of Korea, as well as civil society, in particular Parliamentarians for Global Action (PGA). Our sincere gratitude goes to all involved in this important endeavour.

39. I wish to take this opportunity to welcome the newest member of the Rome Statute system – Ukraine. Ukraine deposited its instrument of ratification of the Rome Statute on 25 October 2024, and the Statute will enter into force for Ukraine on 1 January 2025. This is a further step towards universality, and we congratulate Ukraine on this important development.

<sup>9</sup> The requested State Party was invited to the meeting pursuant to paragraph 14(c) of the Assembly procedures relating to non-cooperation (ICC-ASP/10/Res.5, as amended by ICC-ASP/11/Res.8, annex I, and ICC-ASP/17/Res.5, annex II).

<sup>10</sup> <https://asp.icc-cpi.int/sites/asp/files/2022-08/Bureau-Proposal-Rec-169-ENG.pdf>. An annex to the strategy, approved by the Bureau on 2 December 2022, is available at: <https://asp.icc-cpi.int/sites/asp/files/2022-12/PASP-Request-R169-Good-Practices.pdf>.

<sup>11</sup> The *Guidelines for enhancing the security of participants in the regular sessions of the Assembly and side events* have been integrated into the *Decision of the Bureau on the Guidelines for the preparation and conduct of sessions of the Assembly of States Parties* and can be found at [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/Guidelines-preparation-conduct-ASP-with-appendix-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/Guidelines-preparation-conduct-ASP-with-appendix-ENG.pdf).



## **M. Conclusion**

40. I wish to conclude this report by expressing my appreciation once more to the Vice-Presidents of the Assembly, Bureau members, facilitators and focal points, and all States Parties. We have faced a challenging year, and there are more challenges to come. It is essential that we continue to work together in pursuit of our shared goals.

## Appendix I

### List of facilitators and focal points

#### New York Working Group

##### Facilitators

###### *Arrears*

In the absence of a facilitator, Vice-President of the Assembly and Coordinator of the New York Working Group, H.E. Mr. Michael Imran Kanu (Sierra Leone), discharged this function

###### *Geographical representation and gender balance in the recruitment of staff of the Court*

Mr. Marvin Ikondere (Uganda)

###### *Omnibus resolution*

Ms. Beatrice Maillé (Canada)

###### *Review of the procedure for the nomination and election of judges*

Ms. Melinda Vittay (Hungary)

##### Focal point

###### *Preparations for the review of the amendments on the crime of aggression*

Ms. Elisa De Raes (Belgium)

##### Ad country focal points

###### *Non-cooperation*

Finland<sup>1</sup>

Mexico

Poland

Sierra Leone

Vanuatu

#### The Hague Working Group

##### Facilitators

###### *Budget*

H.E. Mr. Lauri Kuusing (Estonia)<sup>2</sup>

H.E. Ms. Ana Cristina Rodríguez Pineda (Guatemala)<sup>3</sup>

###### *Sub-topic of the budget facilitation: Budget management oversight*

H.E. Mr. Jaime Moscoso Valenzuela (Chile)

###### *Sub-topic of the budget facilitation: Premises*

Mr. Julián Camilo Silva Sanchez (Colombia)

###### *Cooperation*

H.E. Mr. François Alabrune (France)

H.E. Ms. Ramatoulaye Bâ Faye (Senegal)

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<sup>1</sup> “16. In order to assist the President in his or her good offices, the Bureau would appoint four, or, if so requested by the President of the Assembly, five focal points from among States Parties, on the basis of equitable geographic representation.” Assembly procedures relating to non-cooperation, annex, section D, 2 (a) Regional focal points for cooperation, as amended by resolution ICC-ASP/11/Res.8, annex I.

<sup>2</sup> Until the end of May 2024.

<sup>3</sup> Appointed by the Bureau to replace H.E. Mr. Lauri Kuusing (Estonia).

*Legal aid*

H.E. Mr. Hugh Adsett (Canada)

*Review of the work and operational mandate of the Independent Oversight Mechanism*

H.E. Ms. Beti Jacheva (North Macedonia)

*Ad country focal points**Complementarity*

Australia

Uganda

*Plan of action for achieving universality and full implementation of the Rome Statute*

Netherlands

Republic of Korea

**Study Group on Governance***Co-Chairpersons*

H.E. Mr. Arnoldo Brenes Castro (Costa Rica)

H.E. Mr. René Miko (Czech Republic)

*Co-focal points*

Ms. Pauline De Decker (Belgium)

Mr. Cornelius Scholtz (South Africa)

Ms. Mio Takanashi (Japan)<sup>4</sup>

Mr. Masahiro Kimura (Japan)<sup>5</sup>

**Subsidiary bodies of the Assembly of States Parties****Working Group on Amendments**

H.E. Mr. Juan José Quintana (Colombia)

**Review Mechanism***State Party representative<sup>6</sup>*

H.E. Mr. Paul van den IJssel (Netherlands)

*State Party representative<sup>7</sup>*

H.E. Mr. Michael Imran Kanu (Sierra Leone)

*Ad-country focal points*

Bangladesh

Chile

Poland

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<sup>4</sup> Until the end of August 2024.

<sup>5</sup> Appointed by the Bureau to replace Ms. Mio Takanashi (Japan).

<sup>6</sup> Based in The Hague.

<sup>7</sup> Based in New York.

## Appendix II

### Composition of the Bureau: summary of views expressed<sup>1</sup>

#### I. Introduction

1. At its twenty-second session the Assembly of States Parties adopted the following mandate regarding the composition of the Bureau:<sup>2</sup>

*also requests* the Bureau to discuss the representative character of its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, and to submit a written summary of views expressed ahead of the twenty-third session of the Assembly, and *further requests* the Bureau to, in light of the written summary, consult with all States Parties on the topic and submit a report, without prejudice to any course of action, ahead of the twenty-fourth session of the Assembly;

2. Pursuant to this mandate, the Bureau discussed the topic of its composition at its second, third and fourth meetings, on 6 February, 6 March, and 9 April 2024, respectively, as well as at a dedicated in-person meeting on 18 July 2024. This summary reflects the views expressed by Bureau members during the discussions.

3. To facilitate the discussions, the Bureau had before it background information on: a) the legal norms and the Assembly's decisions in respect of the composition of the Bureau; b) the actual composition of the Bureau over the years and the geographical distribution of States Parties and Bureau seats at the time relevant decisions were taken; and c) the norms and practice on the appointment of the Credentials Committee and Rapporteur. The Bureau also had before it a report on the topic from the third session of the Assembly.<sup>3</sup>

#### II. Background

4. Article 112, paragraph 3, of the Rome Statute provides as follows in relation to the composition of the Bureau of the Assembly of States Parties:

a) The Assembly shall have a Bureau consisting of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms.

b) The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world.

5. The Preparatory Commission for the International Criminal Court decided that the initial composition of the Bureau would be as follows: African Group, five seats; Asia-Pacific

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<sup>1</sup> Adopted by the Bureau on 5 November 2024.

<sup>2</sup> Resolution ICC-ASP/22/Res.3, annex I, para. 11(i).

<sup>3</sup> ICC-ASP/3/24.

Group, three seats; Eastern European Group, three seats; Group of Latin American and Caribbean States, four seats; Western European and Other States Group, six seats.<sup>4</sup>

6. At its third session the Assembly decided on the following future composition of the Bureau: African Group, five seats; Asia-Pacific Group, three seats; Eastern European Group, four seats; Group of Latin American and Caribbean States, four seats; Western European and Other States Group, five seats.<sup>5</sup> This distribution of Bureau seats has been applied since 2005.

### III. Views expressed

7. Bureau members agreed that the representative character of the Bureau was an important principle for the governance and legitimacy of the Court and the Rome Statute system as a whole.

8. Bureau members reiterated the importance of equitable geographical representation in the Bureau, noting that the geographical distribution of States Parties had evolved since relevant decisions were taken on the composition of the Bureau twenty years ago. In this regard, Bureau members noted that three regional groups were currently under-represented in the composition of the Bureau when compared with the proportion of States Parties from those groups: the African Group, the Asia-Pacific Group, and the Group of Latin American and Caribbean States.

9. Reference was made to the longstanding request<sup>6</sup> from the Group of Latin American and Caribbean States since 2014, to address the topic of equitable geographical representation, and the informal consultations which had taken place in the context of the negotiation of the omnibus resolution in recent years.

10. Some Bureau members considered that the discussion in accordance with the relevant provisions of the Rome Statute should not be confined to geographical representation, but should also extend to other criteria. It was noted that, in particular, adequate representation

<sup>4</sup> See PCNICC/2002/2, para. 11: “With regard to the composition of the Bureau at the first meeting of the Assembly of States Parties, the Preparatory Commission took note of the following understanding:

- That the initial composition of the Bureau would be as follows:
  - o African Group, five seats
  - o Asian Group, three seats
  - o Eastern European Group, three seats
  - o Group of Latin American and Caribbean States, four seats
  - o Western European and Other States Group, six seats;
- That broad support existed for a suggestion that the Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations, H.R.H. Prince Zeid Ra’ad Zeid Al-Husseini, be elected President of the Assembly;
- That agreement on the distribution of the “core functions” within the Bureau would be based on the idea of bringing the number of core functions within the Bureau into line with the number of regional groups. As such, as a first step the core functions within the Bureau, other than the President, would comprise the two Vice-Presidents explicitly provided for in the Statute, and a Bureau member performing the functions of Rapporteur which is not mentioned in the Statute, but which would be generally welcome. In the Bureau’s initial composition, these three core functions would be assigned to the Western European and Other States Group, the African Group and the Group of Latin American and Caribbean States. The attribution of any of these core functions to any of the regional groups still needs to be determined;
- In addition, it was suggested that the Chairman of the Credentials Committee, who will be appointed by the Assembly on the proposal of the President, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, should also be considered a core function. As such, it was suggested that that post would be held by a member from the regional group that has not yet been attributed a core function. Such a proposal would grant all regional groups access to the core functions of the Assembly, which would be in the interests of fairness and of good communication between the Bureau and the regional groups;
- Finally, the Group took note of the fact that there existed a widely held expectation that the principle of fair rotation of core Bureau functions between regional groups should be respected in the future.”

<sup>5</sup> See ICC-ASP/3/25, Part I, para. 43: “The Assembly considered the proposal on the election of a President of the Assembly and on the future composition of the Bureau (ICC-ASP/3/24). At its 5th meeting, on 9 September 2004, the Assembly agreed on the following future composition of the Bureau:

- Group of Western European and other States and Group of African States: 5 seats each;
- Group of Latin American and Caribbean States and Group of Eastern European States: 4 seats each;
- Group of Asian States: 3 seats, on the understanding that: (a) the next Chair of the Credentials

Committee would be elected from a State Party that belonged to the Asian Group and was not a Bureau member; and (b) the Bureau would extend to her/him a standing invitation to participate in Bureau meetings without the right to vote. It was understood that this compromise should not automatically extend beyond the term of office of the next Bureau (2005-2008). The possibility was raised of revisiting the question of the composition of the Bureau at the Review Conference in 2009.”

<sup>6</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Thirteenth session, New York, 8-17 December 2014* (ICC-ASP/13/20), volume I, part I, para. 11.

of the principal legal systems of the world was a factor which also needed to be considered, alongside geographical distribution. The point was made that it would be important to take into account the added value of any revised configuration.

11. Noting that there were five “core functions” in the Assembly (the President; the two Vice-Presidents; the Rapporteur; and the Chair of the Credentials Committee), a view was expressed that a possible solution could be found in the process for the appointment of the Rapporteur and the Chair of the Credentials Committee, and their participation in Bureau meetings. Rotation of the Vice-President functions was also mentioned. Another view suggested that a solution could potentially be found in a rotation of seats amongst the most affected groups. Bureau members expressed a preference for solutions which did not require an amendment to the Rome Statute. The point was made that it might be helpful to look at the representative character of other international organizations in order to identify alternative models and possible solutions.

## Annex III

### Statement of the Chair of the Committee on Budget and Finance to the Assembly at the 4th plenary meeting of the twenty-third session of the Assembly, on 4 December 2024

I have the honour to address you today and to present the main outcomes of our discussions at the forty-fourth and forty-fifth sessions of the Committee on Budget and Finance (“the Committee”).

First of all, I would like to take this opportunity to thank my colleagues of the Committee on Budget and Finance for their dedication and hard work during this year, and also the representatives of the Court for their availability and cooperation. My special thanks and appreciation also go to the Executive Secretary to the Committee and his team for the quality of their work and excellent support, which is essential to the fulfilment of the Committee’s mandate.

These recommendations and outcomes of the Committee’s work have been presented to the States Parties through the reports contained in ICC-ASP/23/15 and ICC-ASP/23/25.

#### A. 2025 Proposed Programme Budget

I would like to start with some of the key figures and the context of the next year’s budget proposal. The Committee observed that the proposed programme budget for 2025 amounted to €206.2 million, including the host State Loan amount of €3.6 million, representing an increase of €19.1 million (or 10.2 per cent) over the approved budget for 2024 of €187.1 million, including the host State Loan.

The Committee was informed that the increasing budget requirements were primarily driven by the Court’s evolving operational environment, including increased investigative, pre-trial, reparations, and appeal activities, continuing inflation, and responding to both operational and security challenges. Despite the assumptions and parameters for 2025, the Court’s workload is assumed to remain stable, though it can vary across its different organs.

In looking closely at the €19.1 million increase, about €5.0 million will be necessary to cover unavoidable costs such as United Nations Common System (“UNCS”) obligations and contractual inflation. An additional €1.2 million of unavoidable costs is associated with capital replacements, and €2.9 million with fully funding the General Temporary Assistance (“GTA”) approved for 2024. That makes a total of €9.1 million of such costs, which are structurally determined, semi-automatic and difficult to adjust in the framework of an annual budget review. The remaining €10.0 million of the increase is requested to support growth in capacity and expertise across the Court’s operations and strengthen the overall security posture of the Court.

The Committee thoroughly reviewed the budget assumptions, judicial activities, workload, inflationary pressures, and past cost trends. As a result, it recommended a total reduction of €6.7 million from the 2025 proposed programme budget of €206.2 million (including the €3.6 million for the host State loan). This would bring the recommended 2025 programme budget to €199.5 million, representing a total increase of €12.4 million (or 6.6 per cent) compared to the approved 2024 budget of €187.1 million.

#### B. Security Blueprint and Information Technology related matters

The Committee undertook an in-depth review of the Court’s Security Blueprint and Information Technology related matters, being a critical issue. The Committee identified several governance and risk assessment weaknesses that require urgent attention to ensure the effectiveness of cybersecurity investments. The Committee emphasized the need for improved cooperation and unity among the Court’s organs, particularly in establishing new cybersecurity resilience measures. The Committee recommended that the Court establish a Security Blueprint ring-fenced investment budget totalling €8.3 million for the period 2025-2027, similar to how the five-year Information Technology/Information Management strategy was financed. For the period 2025-2027, the Committee recommended freezing the

lights-on costs at a total level of €17.5 million and allowing adjustments only for unavoidable costs arising from the UNCS and actual contract prices. To ensure budgetary accountability, the Court should continue to report annually to the Committee on the use of Information Technology costs across the Court, as well as on the implementation of the Security Blueprint. The Committee recommended that the Court amend its Information Technology governance by 2025, to establish the “One Court” principle, granting the Head, Information Security Unit in Registry full control over the Court’s cybersecurity operations.

### **C. Reparations**

The Committee acknowledged that voluntary contributions to the Trust Fund for Victims in 2022 and 2023 amounted to €3.5 million per year. However, it expressed concern over the significant disparity between the expected future outflow of funds for reparations and the inflow of voluntary contributions.

### **D. Extended mandate of Judges**

The Committee expressed concerns regarding the substantial financial burden posed by the extended mandate of judges, along with the possible adverse effects on regular judicial transitions. However, it commended the Chamber’s 2025 objective to shorten the duration of proceedings through reforms aimed at process optimization and looked forward to seeing these improvements applied to ongoing cases as well.

### **E. Travel costs**

The Committee also noted that travel cost management and compliance with operational procedures needs improvement across the Court, acknowledging the different operational needs of various units and programmes.

### **F. Human resources management**

The Committee noted ongoing issues related to human resources management. Several posts and positions remained vacant for more than a year across major programmes. In some cases, unspent resources from these vacancies were used to hire Short-Term Appointments (“STAs”) and consultants, while in other instances, the positions were simply left unfilled. The Committee will keep following up on gender balance and geographical distribution in line with the States Parties’ key objectives.

### **G. Trust Funds**

#### *a) OTP Trust Fund for Advanced Technology and Specialized Capacity*

The Committee noted a total amount of €33.8 million in contributions pledged to the Office of the Prosecutor Trust Fund, with €31.2 million received as of 31 August 2024. Out of this, €13.9 million has been spent, and €27.4 million allotted. The remaining €2.6 million is expected by year-end. Additionally, as of 1 September 2024, there are 54 seconded national experts working in the Office of the Prosecutor across 28 teams, with ongoing agreements with 33 entities.

#### *b) OTP Trust Fund for Complementarity and Cooperation*

The Office of the Prosecutor Trust Fund for Complementarity and Cooperation was launched on 25 April 2024. This fund supports programmatic complementarity activities outside the regular budget, aiding domestic proceedings in key situations. To date, €125.0 thousand has been pledged, €105.0 thousand received, and €53.6 thousand spent by August 2024.

#### *c) OTP Trust Fund on Geographical Diversity*

The Trust Fund on Geographical Diversity was established in December 2023. This fund provides financial support to eligible States Parties for the living and other expenses of deployed personnel. Contributions amounting to €702.6 thousand have been pledged and received.



d) *Special Fund for Security*

As at the end of August 2024, contributions to the Special Fund for Security, managed by the Registry, totalled €2.8 million, with €2.4 million received and €900.0 thousand spent. This fund will be discontinued once depleted.

## H. Contingency Fund

The Court provided the Committee with historical data spanning over 14 years, from 2010 to 2023, outlining approved budget levels, Contingency Fund notifications, and amounts potentially required for new situations and unforeseen developments in ongoing situations.

The Committee recommended maintaining the current notional Contingency Fund level at €7.0 million. The Committee was of the opinion that an automatic replenishment mechanism up to the notional level of €7.0 million through assessed contributions should be envisaged. However, the current practice to absorb the expenses of the Contingency Fund by unspent budget funds should be maintained.

## I. Premises

The 2025 budget includes the short-term plan only, comprising an urgent investment of €1.6 million for direct capital replacements of those items related to health and safety of staff, legal compliance with statutory laws and direct business continuity risks of the Court.

Pending decisions on a long-term capital replacement strategy the Court has continued to replace only those vulnerable elements that have already broken down or show signs of imminent breakdown, an approach carrying increased risks and the likelihood of higher costs in the longer term. This approach is not sustainable anymore; the mentioned interventions in the area of the Court's heating and ventilation system and security are overdue. However, the Committee reminded the Court of the principle that capital replacements must be fully justified and limited strictly to elements deemed absolutely necessary.

## J. Evaluation of Secretariat, Assembly of States Parties

The Committee reviewed the report on the Independent Oversight Mechanism (IOM) evaluation of the Secretariat during its 45th session and acknowledged the Assembly's resolution endorsing the IOM's recommendations. It noted that the Bureau, with support from the Court's Human Resources Section, should implement the IOM's recommendation to restructure the Secretariat functionally by early 2025. The Assembly also recommended reviewing position classifications during this transition. Meanwhile, the P-5 post established in 2011 will report to the Director of the Secretariat.

Recalling the P-5 Executive Secretary role created in 2011 to enhance technical support and improve Committee operations, the Committee highlights the following:

1. **Resource Allocation:** Urges continuous technical resources for the Committee on Budget and Finance and Audit Committee to maintain efficiency, warning that removing support would regress standards.
2. **Involvement in Restructuring:** Recommends including the Committee on Budget and Finance and Audit Committee at all stages of the restructuring process.
3. **Reporting Framework:** Advocates the Executive Secretary report administratively to the Director of the Secretariat but directly to the Committees on substantive matters.
4. **Position Reclassification:** Stresses involving the Staff Union in restructuring and reclassifying positions.

## K. Conclusion

In conclusion, allow me to reiterate that the Committee is your subsidiary body that will continue analyzing budgetary, financial and administrative matters on their technical

merits, in line with its mandate, and will continue providing expert and technical recommendations to the Assembly in close coordination with the other oversight bodies, based on the guidance by the Assembly, and with the objective to have a Court that could deliver but also that could be accountable and mindful of the use of resources.

## Annex IV

### **Statements concerning agenda item 4, “States in arrears”, at the 8th plenary meeting of the twenty-third session of the Assembly, on 6 December 2024**

#### **A. Statement by Argentina**

1. My delegation supports without hesitation Liberia’s request to be allowed to vote despite the delay in paying its contributions, while at the same time regretting that this Assembly is moving towards doing the same with Venezuela.
2. Let me be clear. Article 112, paragraph 8 of the Statute does not grant States in arrears an automatic right to obtain an exemption. And this Assembly is not obligated to grant it automatically.
3. However, that is what we are doing here, instead of analysing whether the arrears are due to circumstances beyond the control of the State Party, as the Statute explicitly requires.
4. By doing so, we devalue the decisions of this Assembly; and in pursuit of consensus, we allow a delegation to obtain a right it has not earned.
5. It is paradoxical that a country where crimes under the Statute are violated, and which does not cooperate with the Prosecutor's investigations, is exempted by the very Assembly of States Parties of the Court from the statutory prohibition on voting.
6. Putting countries with genuine difficulties in paying their dues on equal footing with others that merely wish to shield themselves from possible decisions that affect them, is not only unjust but frankly insulting.
7. One tree must not prevent us from seeing the forest. This is not a bilateral matter, nor is Argentina politicizing the Court as my Venezuelan colleague wants us to believe.
8. The violation of international crimes is not a bilateral issue, but their punishment concerns the international community as a whole, as the preamble of the Statute explicitly establishes.
9. Compliance with the Statute, including article 112, paragraph 8, is also not a bilateral matter but a collective obligation of all States Parties.
10. To conclude, allow me to reiterate and emphasize the key points of my statement from Monday: Argentina considers it inadmissible for this Assembly to authorize Maduro’s representative to exercise the right to vote in this twenty-third session. Venezuela cannot be considered a state governed by the rule of law: human and civil rights are systematically violated, and the will of its people is deliberately ignored. Venezuela offers unacceptable excuses for its delay in paying contributions, blaming others for the dire consequences of its economic model.
11. Argentina has always shown understanding towards the financial difficulties faced by States Parties in this Assembly, but it cannot ignore the reality of the crimes committed in that country.
12. In this context, Argentina’s stance of not standing in the way of the will of the Assembly, far from being understood as a gesture towards Venezuela, is in fact a sign of my

country's commitment to the International Criminal Court and a reaffirmation of the call for the Court to take concrete and urgent measures regarding the situation in Venezuela.

13. Let me emphasize that Argentina does not feel, nor can it be considered, part of the decision that may be adopted, and I request that this be duly recorded in the reports and official records of this Assembly.

**B. Statement by Venezuela**

1. Thank you, Madam President, good morning to everyone.
2. My delegation wishes to thank the Assembly for maintaining my country's voting rights, given the well-known situation of arrears with the Court, which, I stress once again, we acknowledge and are willing to pay once the situation improves concerning the application of the illegal and criminal unilateral coercive measures to which we are subjected. In this regard, we are pleased to see that the Assembly has not taken the path of sanctions, which would have been entirely inconsistent with the very denunciation and rejection expressed by the majority of members of this august meeting regarding threats of sanctions and existing sanctions against the Court's own staff in the performance of their activities.
3. After expressing this gratitude to the Assembly and to you personally for the various consultations held over the past few days, I must once again reject the delirium of the representative of Javier Milei's government in Argentina, who, unfortunately, continues to play a shameful role, both in this and any other multilateral forum.
4. The Republic of Argentina has shifted from having a serious diplomacy to a microphone diplomacy, attempting to present itself as a false defender of human rights. It is clearly impossible to compare a government like mine, a State that cooperates with human rights offices, with another that criticizes the very resolutions of this same Court.

### **C. Statement by Canada**

1. Thank you, Madam President, and thank you very much for your commitment to ensure that the Bureau works on matters of criteria for waivers.
2. We very much share the concerns of our Argentinian colleagues' delegation. This is an important issue. There are still ongoing discussions about budget arrears, which is a genuine issue that needs to be addressed.
3. The Statute addresses this issue. As we come to the end of the discussion on the budget, I think it is very pertinent that we address the issue of arrears.
4. Again, as I mentioned on Monday, there needs to be work in the Bureau in 2025 on these criteria, so we can avoid using time in plenary and come up with a structured approach.
5. This is the second year that Canada makes this intervention. I want to put States on notice that if there is no work in 2025 on this important matter, Canada might have to join in denying a waiver.
6. I cannot make the same statement next year as I did for the last two Assembly sessions. Thank you.

## Annex V

### **Statements concerning agenda item 13, “Election of five members of the Committee on Budget and Finance”, at the 8th plenary meeting of the twenty-third session of the Assembly, on 6 December 2024**

#### **A. Statement by Venezuela**

1. Thank you, Madam President. On this matter, my country had expressed reservations, adhering to the principle of reciprocity, which surprised us during the initial presentation of this item. Given the subsequent developments, Venezuela does not wish to block consensus; however, Venezuela cannot fully join an absolute consensus either.

2. We wish to place on record that we disassociate ourselves from the consensus on this point, and we want to trust that the candidate who, by all accounts, will be elected in this room, representing Argentina, will exercise his mandate in accordance with regulations and distant from any politicization, against which Venezuela will remain very vigilant. Therefore, we do not oppose the consensus, but disassociate ourselves from it.

**B. Statement by Argentina**

1. I regret having to take the floor once again, abusing the time and patience of you and my colleagues.
2. Argentina takes note of Venezuela's dissociation from the decision to elect the candidate from the Group of Latin American and Caribbean States ("GRULAC") to the Committee on Budget and Finance. However, this does not provide satisfaction nor does it repair the systemic damage caused.
3. To be clear, Venezuela should not have requested a postponement of this matter in the first place, holding the entire Assembly hostage for five days, with the sole purpose of punishing Argentina.
4. Allow me to reiterate what I said on Monday. The candidacy of Argentina was duly endorsed within GRULAC, following its regular procedures, without Venezuela objecting in any instance, none, as the GRULAC coordinator has reported, and every GRULAC member, including Venezuela's Permanent Representative, can attest.
5. A colleague described the regional endorsement mechanism as a system of mutual trust among States participating in an international assembly or conference. States trust that agreements reached within each regional group to fill vacancies allocated to that group and communicated to the respective body by the group's coordinator, will be honoured by the group's members.
6. Failing to do so destroys that mutual trust, both within and beyond the group, and no delegation can be certain that candidacies seemingly agreed upon by their own or other regional groups will not be challenged at the last moment.
7. Argentina regrets this appalling precedent and strongly calls on all delegations to respect established procedures and avoid such attitudes in the future.



## Annex VI

### **Statements concerning the adoption of the resolution on the introduction of a moratorium on the recruitment by the International Criminal Court of staff of non-States Parties' nationality, at the 9th plenary meeting of the twenty-third session of the Assembly, on 6 December 2024**

#### **A. Statement by Kenya after adoption**

1. I want to thank the African Group for putting this important document on the table.
2. I would also extend gratitude to the entire Assembly for coming on board on this very important topic that will help geographical representation and gender balance in the long-run. I do not take it for granted, it has been a long journey on this particular conversation, but it only proves that we have a huge role to play as States Parties. We have sufficient human capital and we can contribute to the Rome Statute system. We are the primary constituents and non-States Parties are simply secondary.

**B. Statement by Uganda after adoption**

1. I do not think I have much to add to what my colleague from Kenya has already stated, because he stated it very eloquently.
2. I would like to thank all of those as well who have agreed to come to this resolution. Indeed, the Court is for those who are members of the Court, and those should be given priority in terms of having jobs and being recruited there. It was indeed a long process and I would like to express my appreciation to all those who have worked hard to come to this conclusion.
3. We are looking for the way forward, to include those ones who are still under-represented.

## Annex VII

### List of documents

<i>Document symbol</i>	<i>Title</i>
ICC-ASP/23/1	Provisional agenda
ICC-ASP/23/1/Add.1	Annotated list of items included in the provisional agenda
ICC-ASP/23/2	Report of the Court on Human Resources Management
ICC-ASP/23/2/Add.1	Report of the Court on Human Resources Management – Addendum
ICC-ASP/23/3	Report on activities and programme performance of the International Criminal Court for the year 2023
ICC-ASP/23/4	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/23/5	Report of the Committee on Budget and Finance on the work of its forty-third session
ICC-ASP/23/6	Designation of the members of the Advisory Committee on Nominations
ICC-ASP/23/7	Eighth election of members of the Board of Directors of the Trust Fund for Victims
ICC-ASP/23/8	Election of members of the Committee on Budget and Finance
ICC-ASP/23/9	Report of the Bureau on the Study Group on Governance
ICC-ASP/23/10	Proposed Programme Budget for 2025 of the International Criminal Court
ICC-ASP/23/10/Corr.1	Proposed Programme Budget for 2025 of the International Criminal Court - Corrigendum
ICC-ASP/23/11	Report of the Bureau on Legal aid
ICC-ASP/23/12	Financial statements of the International Criminal Court for the year ended 31 December 2023
ICC-ASP/23/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2023
ICC-ASP/23/14	Report of the Review Mechanism submitted pursuant to resolution ICC-ASP/22/Res.6, paragraph 12
ICC-ASP/23/14/Add.1	Matrix - Progress in the assessment of the IER recommendations
ICC-ASP/23/15	Report of the Committee on Budget and Finance on the work of its forty-fourth session
ICC-ASP/23/16	Report of the Bureau on the arrears of States Parties
ICC-ASP/23/17	Report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council
ICC-ASP/23/18	Annual report of the Head of the Independent Oversight Mechanism
ICC-ASP/23/19	Report on the activities of the International Criminal Court
ICC-ASP/23/21	Report of the Court on cooperation
ICC-ASP/23/22	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/23/23	Report of the Bureau on cooperation
ICC-ASP/23/24	Report of the Bureau on complementarity
ICC-ASP/23/25	Report of the Committee on Budget and Finance on the work of its forty-fifth session
ICC-ASP/23/26	Report of the Working Group on Amendments
ICC-ASP/23/27	Report of the Bureau on the review of the work and the operational mandate of the Independent Oversight Mechanism
ICC-ASP/23/28	Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court
ICC-ASP/23/29	Report to the Bureau on the review of the procedure for the nomination and election of judges
ICC-ASP/23/30	Report of the Bureau on the Budget sub-topics of Budget Management Oversight and Premises
ICC-ASP/23/31	Report of the Bureau on non-cooperation

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<i>Document symbol</i>	<i>Title</i>
ICC-ASP/23/32	Report on the constitution and activities of the International Criminal Court Bar Association (“ICCBA”)
ICC-ASP/23/33	Report of the focal point on the preparations for the review of the amendments on the crime of aggression

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