

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 underrepresented and non-represented States Parties,

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

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

3. *Decides* to amend resolutions ICC-ASP/1/Res.10 titled “Selection of the staff of the International Criminal Court” and ICC-ASP/2/Res.2 titled “Staff Regulations for the International Criminal Court” as set out in the appendix.

Annex

I. Amendment of resolution ICC-ASP/1/Res.10

Selection of the staff of the International Criminal Court

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

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

II. Amendment of resolution ICC-ASP/2/Res.2

Staff Regulations for the International Criminal Court

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

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