

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, and *reiterating* its commitment to a transparent, inclusive State-Party driven process for implementing measures to strengthen the Court and improve its performance, and *underlining* that, for such a process to be successful, it must involve all States Parties, the Court and other relevant stakeholders,

Welcoming the willingness of the Independent Experts to assist with the review process in providing additional background information on their findings and recommendations, as appropriate and feasible,

Taking note of the continued active consideration by the Court or in the Bureau working groups, facilitations and other forums (hereinafter "Assembly mandate holders") of the issues identified by the Group of Independent Experts, with the participation of and input from other stakeholders, *emphasizing* that such work should continue with a focus on implementation, as appropriate,

Welcoming the engagement of the Court and its focal points in the planning, coordinating, monitoring, and reporting on the assessment and implementation of the recommendations that were positively assessed or positively assessed with modifications, contained in the Report of the Group of Independent Experts,

Stressing the statutory mandates of the organs of the Court and of the Assembly of States Parties and *noting* with appreciation that these independent mandates informed the assessment of the recommendations of the Group of Independent Experts and possible further action, as appropriate, by the Court, the Assembly, or both depending on the nature and purpose of the individual recommendations, and the entity identified as responsible for implementation,

Encouraging the continued engagement of States Parties, the Court and other relevant stakeholders in an efficient and results oriented manner in the review process,

Acknowledging the importance of the Bureau's decision of 31 May 2021 that welcomed the efforts of the Review Mechanism to be inclusive and transparent in the exercise of its mandate within the State Party-driven process, as well as its reassurance that States Parties would be involved in the discussions on assessment and implementation of recommendations, regardless of whether they had been allocated to the Court or to the Assembly, with respect for existing mandates as well as judicial and prosecutorial independence; and decided to adopt the "Categorization of recommendations and remaining issues", dated 30 April 2021, submitted by the Review Mechanism in accordance with paragraph 4 (a) of Assembly resolution ICC-ASP/19/Res.7,

1. *Commends* the Review Mechanism on the successful completion of its mandate in 2024 as established by resolution ICC-ASP/19/Res.7 and expresses its appreciation to all States Parties, the Court focal points, the Court, NGOs, the Group of Independent Experts

and all other stakeholders for their valuable inputs and unwavering support of the work of the Review Mechanism since its establishment;

2. *Welcomes again* the report and recommendations of the Independent Expert Review contained in its report titled “Independent Expert Review of the International Criminal Court and the Rome Statute System - Final Report”,¹ 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 recommendations² and the Comprehensive action plan³ referred to in operative paragraph 4 of resolution ICC-ASP/19/Res.7, based on the proposals of the Review Mechanism;⁴

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 Court⁵ 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. *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. *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;

12. *Requests* the ASP Secretariat to keep the Matrix on ‘Progress in the assessment of the IER recommendations’ updated and to circulate the Matrix in advance of each annual session.

¹ https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf.

² https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/ICC-ASP-19-16-ENG-IER-Report-9nov20-1800.pdf.

³ https://asp.icc-cpi.int/EN_Menus/asp/review-court/pages/action-plan.aspx.

⁴ See: Report of the Review Mechanism submitted pursuant to ICC-ASP/20/Res.3, annex I.

⁵ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/Overall%20Response%20of%20the%20ICC%20to%20the%20IER%20Final%20Report%20-%20ENG%20-%202014April21.pdf.