Resolution ICC-ASP/24/Res.1

Adopted at the 9th plenary meeting, on 5 December 2025, by consensus

ICC-ASP/24/Res.1
Resolution on amendments to the Rules of Procedure and Evidence of the International Criminal Court

A. Amendment to the Rules of Procedure and Evidence of the International Criminal Court to regulate motions for acquittal

The Assembly of States Parties,

Recalling recommendation R201 of the Group of Independent Experts on the efficiency of the judicial process and fair trial rights, in particular regarding trial,[1]

Recalling further the need to conduct a 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, and *inviting* the organs of the Court to continue to engage in such a dialogue with States Parties,

Recognizing that enhancing the efficiency and effectiveness of the Court is of common interest both for the Assembly of States Parties and the Court,

Recalling operative paragraphs 1 and 2 of resolution ICC-ASP/9/Res.2 and article 51 of the Rome Statute,

Further recalling paragraph 9 of annex I to resolution ICC-ASP/23/Res.51,

Taking note of the amendment proposed by the plenary of judges on 15 September 2025,

Welcoming the consultations thereon undertaken within the Study Group on Governance and the Working Group on Amendments,

Taking note of the report of the Working Group on Amendments[2] and the report of the Bureau on the Study Group on Governance,[3]

1. *Decides* that the following rule 140 *quater* be inserted after rule 140 *ter* of the Rules of Procedure and Evidence:

Rule 140 *quater*

Motions for acquittal

1. Upon the conclusion of the evidence presented by the Prosecutor or if evidence is presented on behalf of the victims, at the conclusion of that evidence, if the Trial Chamber finds that the evidence is insufficient in law to sustain a conviction on one or more charges, the Trial Chamber, on a motion being filed or *proprio motu*, shall enter a decision of acquittal on any charge.

2. A motion for a decision of acquittal may only be filed with leave of the Trial Chamber. The defence application for leave and any responses from the Prosecutor and legal

[1] ICC-ASP/19/16: "R201. Recognising that a motion for acquittal on the ground that there is no case to answer is now an established feature of the Court's procedure, the Judges should draft Regulations of the Court to govern the procedure, including specifying the effect of a successful motion, to ensure a consistent approach by Chambers and providing for an appeal in appropriate circumstances."
[2] ICC-ASP/24/26.
[3] ICC-ASP/24/23….

representatives of victims shall be filed on an expedited basis in accordance with the Regulations.

3. The Trial Chamber shall decide in its discretion pursuant to article 64, paragraphs 2 and 6 (f), and rule 134, sub-rule 3, whether to grant leave.

4. Should leave be refused, the Trial Chamber's decision shall not contain any assessment of the evidence.

5. If the Trial Chamber grants leave, the defence shall file its motion in writing setting out its grounds in support and the Prosecutor and legal representatives of victims may file a response, expeditiously in accordance with the Regulations.

6. After the filing of any responses, the Trial Chamber shall schedule a hearing to be held on an expedited basis within the time frame set out in the Regulations. If necessary, the Trial Chamber may require the submission of further written arguments in advance of and/or following the hearing.

7. The decision on the motion shall be issued as expeditiously as possible within 45 days of the hearing or written arguments referred to in sub-rule 6, whichever is later.

8. A decision granting the motion in whole or in part, shall provide reasons for the decision in accordance with the requirements under article 74.

9. The Trial Chamber may *proprio motu* order the parties and participants to make submissions on whether the evidence is insufficient in law to sustain a conviction on one or more charges. In such case, the procedure set out in the Regulations shall apply.

B. Draft resolution on amendments to rules 26 to 30 of the Rules of Procedure and Evidence of the International Criminal Court

The Assembly of States Parties,

Noting annex II to the Report of the Bureau on the Review of the work and the Operational Mandate of the Independent Oversight Mechanism[4] and the annex to the Report of the Bureau on the Study Group of Governance,[5]

Taking note with appreciation of the consultations undertaken within the facilitation on the Review of the work and the Operational Mandate of the Independent Oversight Mechanism, the Study Group on Governance and the Working Group on Amendments,

Noting the report of the Working Group on Amendment,[6]

1. *Decides* to adopt the following amendments to rule 26, 27, 28, 29 and 30 of the Rules of Procedure and Evidence of the International Criminal Court:

Rule 26

Receipt and admissibility of complaints

1. For the purposes of article 46, paragraph 1, and article 47, any complaint concerning any conduct defined under rules 24 and 25 shall include the grounds on which it is based and, if available, any relevant evidence, and may also include the identity of the complainant.

2. All complaints shall be transmitted to the Independent Oversight Mechanism which may also initiate investigations on its own motion. The Independent Oversight Mechanism or the President of the Bureau of the Assembly of States Parties may transmit a complaint to an external investigator, where strictly necessary.

3. The Independent Oversight Mechanism or the external investigator, as applicable, shall assess complaints and set aside those complaints which are manifestly unfounded. Where a complaint is set aside as manifestly unfounded, the Independent Oversight Mechanism or the external investigator, as applicable, shall provide its reasons in the annual

[4] ICC-ASP/24/30.
[5] ICC-ASP/24/23.
[6] ICC-ASP/24/26.

report of the Independent Oversight Mechanism.

4. All other complaints shall be investigated by the Independent Oversight Mechanism or the external investigator, as applicable.

Rule 26 *bis*

Ad hoc panel

1. The Independent Oversight Mechanism or the external investigator, as applicable, shall transmit its investigation report to the Presidency of the Bureau of the Assembly of States Parties which shall appoint the members of the ad hoc panel. As soon as the ad hoc panel is constituted, the Presidency of the Bureau of the Assembly of States Parties shall provide the ad hoc panel with the investigation report, pursuant to the terms of reference for the ad hoc panel.

2. The ad hoc panel shall be independent in the performance of its functions and act with impartiality.

3. The ad hoc panel shall provide its non-binding advice to the competent decision-maker(s), as set out in articles 46 and 47, and rules 29 and 30, on legal characterization whether the factual findings by the Independent Oversight Mechanism or the external investigator, as applicable, establish serious misconduct or serious breach of duty, as defined under rule 24, or misconduct of a less serious nature, as defined under rule 25, or establish no misconduct or breach of duty under either rule 24 or rule 25.

4. The ad hoc panel shall transmit its final report together with the investigation report and its underlying evidence, if applicable, to the competent decision-maker(s) as set out in articles 46 and 47 of the Statute, and rules 29 and 30.

5. Following the transmission of the ad hoc panel's final report under sub-rule 4 above, the competent decision-maker may disagree with the ad hoc panel's advice and the procedure in rule 29, sub-rule 7, or rule 30, sub-rule 5, shall apply.

Rule 26 *ter*

Confidentiality

1. The complaint, the investigation report, and all documents and materials related to the work of the ad hoc panel shall remain confidential. Upon submission of the final report of the ad hoc panel to the competent decision-maker(s), the Independent Oversight Mechanism or the external investigator, as applicable, shall transmit a confidential summary of the investigation to the Assembly of States Parties, without attribution directly or indirectly as to the source or identity of the individuals involved or implicated, or disclosing any other classified information in connection thereto.

2. Following the completion of a disciplinary proceeding, the existence of any serious misconduct or serious breach of duty which has resulted in removal from office shall be made public by the competent decision-maker, including the identity of the elected official concerned. No information shall be provided, directly or indirectly, about any other individuals involved or implicated.

3. Following the completion of a disciplinary proceeding, the existence of any misconduct which has resulted in the imposition of a disciplinary measure shall remain confidential, without prejudice to the need to inform the President of the Bureau of the Assembly of States Parties, in accordance with rule 30, sub-rule 7. The President of the Bureau of the Assembly of States Parties shall inform the Assembly of States Parties of the imposition of a disciplinary measure, including the identity of the elected official concerned and nature of the misconduct found. No information shall be provided, directly or indirectly, about any other individuals involved or implicated. The Assembly may grant an exception to the duty of information of the President of the Bureau of the Assembly of States Parties where strictly necessary and duly reasoned.

4. In the event of suspension from duty in accordance with rule 28, the existence of an investigation and the imposition of a suspension shall be made public, stating that the existence of an investigation into a matter does not mean that any misconduct or breach of duty have occurred.

Rule 27

Common provisions on procedural fairness

1. During any investigation of serious misconduct or serious breach of duty under rule 24 or misconduct of less serious nature under rule 25, the elected official concerned shall be given a fair opportunity to respond to the allegations, present evidence and nominate witnesses. The Independent Oversight Mechanism or external investigator, as applicable, may take any further steps necessary to ensure procedural fairness for any persons directly affected, including the elected official concerned, and shall have regard to the need to facilitate expeditious proceedings. The existence of an investigation into a matter does not mean that any serious misconduct, serious breach of duty or misconduct of a less serious nature have occurred.

2. The elected official concerned shall receive a copy of the final report of the ad hoc panel, the investigation report, and its underlying evidence, if applicable, redacted as necessary and shall be provided a fair opportunity to respond to the allegations therein, make written submissions and supply answers to any questions put to them. The competent decision-maker(s) and the ad hoc panel may take any further steps necessary to ensure procedural fairness at any stage for any persons directly affected, including the elected official concerned, and shall have regard to the need to facilitate expeditious proceedings.

3. Any persons directly affected, including the elected official concerned, may be represented by counsel during the process established under sub-rule 2 above.

Rule 28

Suspension from duty

1. Where an allegation against a person who is the subject of a complaint is of a sufficiently serious nature, the person may be suspended from duty at any stage pending the final decision of the competent decision-maker.

2. In the case of a judge, the decision to suspend from duty may be taken by a plenary of judges. If a recommendation to remove from office has already been made and the President of the Bureau of the Assembly of States Parties so informed under rule 29, the decision to suspend may thereafter be taken by the Bureau of the Assembly of States Parties.

3. In the case of a Registrar or a Deputy Registrar, the decision to suspend from duty may be taken by a plenary of judges.

4. In the case of a Prosecutor or Deputy Prosecutor, the decision to suspend from duty may be taken by the Bureau of the Assembly of States Parties.

Rule 29

Procedure in the event of potential removal from office for serious misconduct or serious breach of duty

1. In the case of a judge, the question of whether to recommend removal from office shall be put to a vote at a plenary session of the judges pursuant to article 46, paragraph 2.

2. In the case of the Registrar or a Deputy Registrar, the decision of removal from office shall be put to a vote at a plenary session of the judges pursuant to article 46, paragraph 3.

3. The Presidency shall inform the President of the Bureau of the Assembly of States Parties in writing of (a) any recommendation adopted in the case of a judge pursuant to sub-rule 1 above; and (b) any decision adopted in the case of the Registrar or a Deputy Registrar pursuant to sub-rule 2 above.

4. In the case of the Prosecutor, the decision of removal from office shall be taken by an absolute majority of the State Parties, pursuant to article 46, paragraph 2.

5. The Prosecutor shall inform the President of the Bureau of the Assembly of States Parties in writing of any recommendation he or she makes in the case of a Deputy Prosecutor, for the purpose of article 46, paragraph 2.

6. Where the competent decision-maker finds that the conduct amounts to serious misconduct or a serious breach of duty but decides not to remove the elected official

concerned from office, disciplinary measures that are consistent with the seriousness of the misconduct or breach of duty shall be imposed in accordance with rule 30.

7. Where the competent decision-maker finds that the conduct does not amount to serious misconduct or serious breach of duty, the matter shall be referred to the competent decision-maker pursuant to rule 30.

8. Where the competent decision maker pursuant to rule 29 establishes that no misconduct or breach of duty has occurred, the matter shall be closed.

Rule 30

Competent decision makers and procedure in the event of disciplinary measures

1. The competent decision-maker(s) in respect of misconduct of a less serious nature shall be as set out in the present rule, without prejudice to rule 29, sub-rules 6 and 7.

2. In the case of a judge, the Registrar or a Deputy Registrar, any decision to impose a disciplinary measure shall be taken by the Presidency.

3. In the case of the Prosecutor, any decision to impose a disciplinary measure shall be taken by an absolute majority of the Bureau of the Assembly of States Parties.

4. In the case of a Deputy Prosecutor:

a) Any decision to give a reprimand shall be taken by the Prosecutor;

b) Any decision to impose a pecuniary sanction shall be taken by an absolute majority of the Bureau of the Assembly of States Parties upon the recommendation of the Prosecutor.

5. Where the competent decision-maker finds that the conduct does amount to serious misconduct or serious breach of duty, the matter shall be referred to the competent decision-maker pursuant to rule 29.

6. Where the competent decision maker pursuant to rule 30 establishes that no misconduct or breach of duty has occurred, the matter shall be closed.

7. Any disciplinary measure imposed against a judge, the Prosecutor, a Deputy Prosecutor, the Registrar or a Deputy Registrar shall be recorded in writing and shall be transmitted to the President of the Bureau of the Assembly of States Parties.