



Assembly of States Parties

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Special session on the review of the amendments on the crime of aggression

New York, 7-9 July 2025

Annotated list of items included in the provisional agenda

Note by the Secretariat

The following annotated list of the items contained in the provisional agenda for the special session (ICC-ASP/S-1/1) has been prepared to assist the special session in its consideration of the issues before it. The special session will be convened at United Nations Headquarters, New York, on Monday, 7 July 2025, at 10 a.m. The status of the documentation reflected herein is current as at 20 June 2025.

Annotated list of items included in the provisional agenda

1. Opening of the session

On 7 August 2009, a Review Conference was convened by the United Nations Secretary-General¹ pursuant to article 123, paragraph 1, of the Rome Statute of the International Criminal Court, seven years after the entry into force of the Statute, to consider any amendments to the Statute. Article 123 states that such review may include, but is not limited to, the list of crimes contained in article 5. The 2010 Review Conference adopted a definition of the crime of aggression and further decided to review the amendments on the crime of aggression seven years after the beginning of the Court's exercise of jurisdiction.² At its sixteenth session, the Assembly decided to activate the Court's jurisdiction over the crime of aggression as of 17 July 2018.³

The Rules of Procedure of the Assembly of States Parties ("Rules of Procedure") shall apply *mutatis mutandis* to the special session of the Assembly of States Parties.

Rule 3 of the Rules of Procedure provides that "[t]he Assembly shall hold regular and special sessions in accordance with paragraph 6 of article 112 of the Statute." Rule 8 of the Rules of Procedure provides that "[t]he Assembly may hold special sessions and fix the date of commencement and the duration of each such special session. Special sessions of the Assembly may also be convened by the Bureau on its own initiative or at the request of one third of the States Parties in accordance with paragraph 6 of article 112 of the Statute."

At its 6 November 2024 meeting, the Bureau agreed that "the review be held at United Nations Headquarters in New York, from 7 to 9 July 2025, for a period of three working days".⁴ At its twenty-third session, the Assembly decided that the Special Session shall be held at United Nations Headquarters, from 7 to 9 July 2025, for a period of three working days.⁵ The special session shall be open to those participating in the Assembly of States Parties and on the same conditions.

Pursuant to rule 1 of the Rules of Procedure, "Bureau" means the Bureau as defined in article 112, paragraph 3 (a), of the Statute.

Rule 30 provides that the President shall declare the opening and closing of each plenary meeting of the session. At the first meeting of its twenty-second session, on 4 December 2023, the Assembly elected Ms. Päivi Kaukoranta (Finland) as President of the Assembly for the twenty-third to twenty-fifth sessions.⁶ President Kaukoranta will serve as President of the special session.

2. Silent prayer or meditation

Rule 43 of the Rules of Procedure provides that, immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation.

3. Adoption of the agenda

Rules 14 to 22 of the Rules of Procedure concerning the agenda are applicable. In accordance with rule 14, the provisional agenda for the special session (ICC-ASP/S-1/1) was issued on 29 January 2025. In accordance with rule 19, the agenda shall be submitted to the Assembly as soon as possible after the opening of the session.

¹<https://asp.icc-cpi.int/sites/asp/files/NR/rdonlyres/74DAA899-94EA-4301-9ACC-742F886E2AC1/0/ICCUNReviewConference2010InvitationENG.pdf>

² RC/6, para. 4.

³ ICC-ASP/16/Res.5, para. 1.

⁴ https://asp.icc-cpi.int/sites/default/files/asp_docs/2024-Bureau12-Agenda-Decisions.pdf

⁵ ICC-ASP/23/Res.1, annex I, para. 16 (b).

⁶ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Twenty-second session, New York, 4 - 14 December 2023* (ICC-ASP/22/20), vol. I, part B, para. 15.

Documentation

Provisional agenda (ICC-ASP/S-1/1/Rev.1)

4. States in arrears

According to article 112, paragraph 8, of the Rome Statute, “A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.”

At its twenty-third session, the Assembly decided 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.”⁷

5. Credentials of representatives of States at the special session

a) Appointment of the Credentials Committee

Rule 25 of the Rules of Procedure of the Assembly of States Parties, provides that a Credentials Committee shall be appointed at the beginning of each session. It shall consist of representatives of nine States Parties, which shall be appointed by the Assembly on the proposal of the President.

b) Report of the Credentials Committee

Representation and credentials are regulated by rules 23 to 28 of the Rules of Procedure of the Assembly of States Parties. In accordance with rule 24, the credentials of representatives of States Parties and the names of alternates and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the Conference. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them.

Under rule 25, a Credentials Committee, consisting of representatives of nine States Parties shall be appointed at the beginning of each session by the Assembly on the proposal of the President. The Committee shall examine the credentials of representatives of States Parties and report to the Assembly without delay.

6. Organization of work

The special session of the Assembly will consider and adopt a programme of work at the beginning of the session on the basis of a proposal by the Bureau.

⁷ ICC-ASP/23/Res.1, annex I, para. 15 (b).

7. General debate

Each State Party, Observer State, Invited State, international organizations and a limited number of representatives of non-governmental organizations shall be invited to participate in the general debate. The modalities of holding the general debate will be by in-person statements. Other statements may be submitted as a written statement, which will be posted on the Assembly webpage.

No documentation

8. Lessons learnt from the Kampala amendments, ratification procedures and their implementation

Further to the General debate, a plenary discussion on Lessons learnt will permit delegations to continue their consideration of related issues regarding the Kampala amendments on the crime of aggression, ratification procedures and their implementation.

No documentation

9. Review of the amendments on the crime of aggression

The special session will, pursuant to RC/Res.6⁸ and further to the Assembly's activation of the Court's jurisdiction over the crime of aggression as of 17 July 2018,⁹ consider the amendments to the Rome Statute of the International Criminal Court on the crime of aggression which the Assembly adopted at the Kampala Review Conference.¹⁰

Documentation

Report of the Working Group on Amendments (ICC-ASP/S-1/2)

10. Other matters

No documentation

⁸ Para. 4.

⁹ ICC-ASP/16/Res.5, para. 1.

¹⁰ RC/Res.6, annexes I - III.