

## Resolution ICC-ASP/12/Res.8

*Adopted at the 12th plenary meeting, on 27 November 2013, by consensus*

### ICC-ASP/12/Res.8

### **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 the most serious crimes of concern to the international community and to put an end to the impunity of the perpetrators of such crimes is now widely acknowledged,

*Convinced* that the International Criminal Court (“the Court”) is an essential means 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 there can be no lasting peace without justice and that peace and justice are thus complementary requirements,

*Convinced further* 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 Statute are, and must remain, indivisible and that in this regard universal adherence to the Rome Statute of the International Criminal Court 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,

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

*Underscoring* its respect for the judicial independence of the Court and its commitment to ensuring respect for and the implementation of the Court's judicial decisions,

*Taking note with appreciation* of the annual United Nations General Assembly resolutions concerning the Court,

*Recalling* the success of the first Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010,

*Recalling* 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,

*Appreciating* the invaluable assistance that has been provided by civil society to the Court,

*Conscious* of 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,

*Mindful* of the need to encourage the full participation of States Parties, Observers and States not having observer status in the sessions of the Assembly and to ensure the broadest visibility of the Court and the Assembly,

*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, and *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,

*Conscious* of the vital role of field operations in the Court's work in situation countries and the importance of stakeholders working together to create suitable conditions for field operations,

*Conscious* of the risks faced by personnel of the Court in the field,

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

## **Universality of the Rome Statute**

1. *Welcomes* the State that has become a Party to the Rome Statute of the International Criminal Court since the eleventh session of the Assembly and *invites* States not yet parties to the Rome Statute of the International Criminal Court, to become parties to the Rome Statute, as amended, as soon as possible;

2. *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;

3. *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 appropriate;

4. *Welcomes* the report of the Bureau regarding the implementation of the Plan of action for achieving universality and full implementation of the Rome Statute,<sup>1</sup> *notes with appreciation* the efforts of the Court's President, the Office of the Prosecutor, the President of the Assembly of States Parties, the Assembly of States Parties, States Parties, and of 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 Privileges and Immunities, as well as relevant efforts undertaken in the framework of the Universal Periodic Review of the Human Rights Council, and *endorses* the recommendations of the report;

## **Agreement on Privileges and Immunities**

5. *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 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;

6. *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 the Privileges and Immunities of the International Criminal Court in which the Court's property and assets are

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<sup>1</sup> ICC-ASP/12/26.

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;

## Cooperation

7. *Refers* to its resolution ICC-ASP/12/Res.3 on cooperation;
8. *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 *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 legislation, enforcement of Court decisions and execution of arrest warrants;
9. *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;
10. *Recognizes* the negative impact that the non-execution of Court requests can have on the ability of the Court to execute its mandate, *takes note* of the report of the Bureau on non-cooperation,<sup>2</sup> and *calls upon* all stakeholders to continue assisting the President of the Assembly of States Parties, including when accomplishing her task with the support of the regional focal points for non-cooperation;

## Host State

11. *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 ongoing commitment of the host State to the Court with a view to its more efficient functioning;

## Relationship with the United Nations

12. *Recognizes* the need for enhancing the institutional dialogue with the United Nations, including on Security Council referrals;
13. *Welcomes* the statement by the President of the Security Council of 12 February 2013 in which the Council 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, and *encourages* further strengthening of the Security Council's relationship with the Court, such as through support for international justice in peacekeeping mandates, holding of annual open debates on the Court and identifying other means to institutionalize cooperation;
14. *Welcomes* the report of the Court on the status of ongoing cooperation with the United Nations, including in the field,<sup>3</sup> and *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;
15. *Commends* the important work of the New York Liaison Office of the Court, which enables regular and efficient cooperation and exchange of information between the Court and the United Nations and the effective conduct of the Bureau as well as of the New York Working Group and *expresses* its full support for the work of the New York Liaison Office;
16. *Welcomes* the presentation of the ninth report of the Court to the General Assembly of the United Nations;<sup>4</sup>
17. *Notes with concern* that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council have been borne exclusively by States Parties, and in

<sup>2</sup> ICC-ASP/12/34.

<sup>3</sup> ICC-ASP/12/42.

<sup>4</sup> United Nations document A/68/314.

that regard *urges* States Parties to begin discussions on the proper implementation of article 115, paragraph (b), of the Rome Statute;

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

18. *Emphasizes* the need to pursue efforts aimed at intensifying dialogue with the African Union and to strengthen the relationship between the Court and the African Union and *commits* to 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;

19. *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;

### **Activities of the Court**

20. *Takes note* of the latest report on the activities of the Court to the Assembly of States Parties;<sup>5</sup>

21. *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>6</sup> referred to the Court or which the Prosecutor initiated *proprio motu*;

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

23. *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;

24. *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 and sound management;

25. *Notes with appreciation* the 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 flexibility and *encourages* the Court to continue to optimize its field offices in order to ensure the Court's continued relevance and impact in States in which it carries out its work;

26. *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;

<sup>5</sup> ICC-ASP/12/28.

<sup>6</sup> United Nations Security Council resolution 1593 (2005) and 1970 (2011).

## Elections

27. *Emphasizes* the importance of nominating and electing the most highly qualified judges in accordance with article 36 of the Rome Statute, and for this purpose *encourages* States Parties to conduct thorough and transparent processes to identify the best candidates;

28. *Takes note* of the reports of the Advisory Committee on Nominations,<sup>7</sup> *welcomes* the recommendations contained therein in relation to the election to fill a judicial vacancy at the twelfth session, *notes* that the Advisory Committee will also carry out its mandate in relation to the judicial elections to be held during the thirteenth session and *requests* the Committee to report to the thirteenth session on the progress of its work well in advance of that session;

29. *Decides* to adopt the amendments to the procedure for the nomination and election of judges<sup>8</sup> contained in annex II to the present resolution;

30. *Takes note* of the report of the Bureau on the evaluation of the process for electing the second Prosecutor of the International Criminal Court and the annexed option paper;<sup>9</sup>

## Secretariat of the Assembly of States Parties

31. *Recognizes* the important work done by the Secretariat of the Assembly of States Parties (“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;

## Counsel

32. *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;

33. *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(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;

## Legal aid

34. *Acknowledges* the Court’s efforts to continue implementing the revised legal aid remuneration policy as adopted by the Bureau on 23 March 2012 and *notes* the Registry’s single policy document on the Court’s legal aid system,<sup>10</sup> the report of the Registry on the comprehensive review of the legal aid system of the Court<sup>11</sup> and the Registry’s quarterly reports on monitoring and assessing the implementation performance of legal aid;<sup>12</sup>

35. *Stresses* the need for continuous monitoring of the efficiency of the revised legal aid system to uphold and strengthen the principles of the legal aid system, namely fair trial, objectivity, transparency, economy, continuity and flexibility;<sup>13</sup>

<sup>7</sup> Report of the Advisory Committee on Nominations of Judges on the work of its first meeting, ICC-ASP/12/23, and Report of the Advisory Committee on Nominations of Judges on the work of its second meeting, ICC-ASP/12/47.

<sup>8</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.6.

<sup>9</sup> ICC-ASP/12/58.

<sup>10</sup> ICC-ASP/12/3.

<sup>11</sup> ICC-ASP/12/21.

<sup>12</sup> ICC-ASP/12/2, ICC-ASP/12/50, ICC-ASP/12/51.

<sup>13</sup> ICC-ASP/3/16, para. 16.

## Study Group on Governance

36. *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 and *invites* the organs of the Court to further engage in a such a dialogue with States Parties;

37. *Takes note* of the Bureau's report on the Study Group of Governance<sup>14</sup> and the recommendations contained therein;

38. *Endorses* the recommendations contained in the report on the budget process designed to improve the transparency, predictability and efficient conduct of the entire budget process and each phase therein;<sup>15</sup>

39. *Endorses* the proposed "Revised Roadmap" which further facilitates, including through more flexible timelines, the efficient and structured dialogue between all stakeholders within the Rome Statute system to consider proposals aimed at expediting the criminal process of the Court;

## Working methods review

40. *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;

41. *Welcomes* the report of the Bureau on the evaluation and the rationalization of the working methods of the subsidiary bodies of the Bureau,<sup>16</sup> *endorses* its recommendations to the Assembly and *welcomes* the steps already undertaken in this regard, as well as the Bureau's express determination to remain seized of the matter as set out in its report;

42. *Also welcomes* the efforts of the Bureau to ensure communication and cooperation between its subsidiary bodies and *invites* the Bureau to continue such efforts;

43. *Decides* to replace rule 29 of its Rules of Procedure with the text in annex III to the present resolution as of the fourteenth session of the Assembly;

## Strategic planning

44. *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>17</sup> in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage;

45. *Recalls* that the issues of public information and communication about the Court and its activities constitute a shared responsibility of the Court and States Parties, while acknowledging the significant contribution of other stakeholders;

46. *Notes with appreciation* the initiatives undertaken to celebrate 17 July as Day of International Criminal Justice<sup>18</sup> and *recommends* that all relevant stakeholders, together with the Court, engage in preparation of the annual celebrations with a view to reinforcing the international fight against impunity;

47. *Takes note* of the revised Court's Strategic Plan for 2013-2017;

48. *Takes note* of the revised Strategic Plan of the Office of the Prosecutor for the year 2014-2015;

<sup>14</sup> ICC-ASP/12/37.

<sup>15</sup> ICC-ASP/11/11.

<sup>16</sup> ICC-ASP/12/59.

<sup>17</sup> ICC Strategic Plan for Outreach, ICC-ASP/5/12.

<sup>18</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II.B, Kampala Declaration (RC/Decl.1), para. 12.

49. *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;

### **Victims and affected communities, reparations and Trust Fund for Victims**

50. *Refers* to its resolution ICC-ASP/12/Res.5 on victims and affected communities, reparations and Trust Fund for Victims;

51. *Stresses* the central importance that the Rome Statute accords to the rights and needs of victims, in particular their right to participate in judicial proceedings and to claim reparations, and *emphasizes* the importance of informing and involving victims and affected communities in order to give effect to the unique mandate of the Court towards victims;

### **Recruitment of staff**

52. *Welcomes* the Court's continued efforts, in the recruitment of staff, to seek equitable geographical representation and 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;

53. *Stresses* the importance of the 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;<sup>19</sup>

### **Complementarity**

54. *Refers* to its resolution ICC-ASP/12/Res.4 on complementarity;

55. *Recalls* the primary responsibility of States to 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 capable of genuinely prosecuting such crimes;

### **Independent Oversight Mechanism**

56. *Refers* to its resolution ICC-ASP/12/Res.6 on the Independent Oversight Mechanism;

57. *Recognizes* the importance of a fully operational Independent Oversight Mechanism, in accordance with ICC-ASP/8/Res.1 and ICC-ASP/9/Res.5, to the efficient and effective operation of the Court;

### **Programme budget**

58. *Takes note* of the important work done by the Committee on Budget and Finance, and *reaffirms* the independence of the members of the Committee;

59. *Recalls* that, according to its Rules of Procedure,<sup>20</sup> the Committee on Budget and Finance shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications;

60. *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

<sup>19</sup> Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court, ICC-ASP/12/49.

<sup>20</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), annex III.

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;

61. *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;

62. *Takes note* of the report of the Bureau on the arrears of States Parties;<sup>21</sup>

## Review Conference

63. *Recalls also* 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>22</sup> 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>23</sup> and decided to retain, for the time being, article 124 of the Rome Statute;<sup>24</sup>

64. *Notes* that those amendments are subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 5, of the Rome Statute and *notes with appreciation* the recent ratifications of the amendments;

65. *Calls upon* all States Parties to consider ratifying or accepting these amendments and *resolves* to activate the Court's jurisdiction over the crime of aggression as early as possible, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Rome Statute;

66. *Recalls* with appreciation pledges of increased assistance to the Court made by thirty-five States Parties, one observer State, and one regional organization, *calls on* these States and the regional organization to ensure the swift implementation of these pledges, and further *calls on* States and regional organizations to submit additional pledges and to inform, as appropriate, on the implementation thereof at future sessions of the Assembly;

67. *Takes note with appreciation* of the moderator's summary of the panel discussion on peace and justice at the Review Conference as the latest account of the Assembly on this topic;

## Consideration of amendments

68. *Welcomes* the report of the Bureau on the Working Group on Amendments;<sup>25</sup>

## Participation in the Assembly of States Parties

69. *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;

70. *Encourages* the continuation of efforts undertaken by the President of the Assembly of States Parties to hold an ongoing 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;

71. *Welcomes with appreciation* the inclusion in the agenda of the twelfth session of the Assembly of a special segment as requested by the African Union: "Indictment of sitting

<sup>21</sup> ICC-ASP/12/30.

<sup>22</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, RC/Res.6.

<sup>23</sup> *Ibid.*, RC/Res.5.

<sup>24</sup> *Ibid.*, RC/Res.4.

<sup>25</sup> ICC-ASP/12/44.



Heads of State and Government and its consequences on peace and stability and reconciliation”;

72. *Welcomes* the substantial and constructive discussions on complementarity, victims and cooperation during this session and *expresses* its intention to have dedicated plenary sessions on these critical topics on the agenda for future sessions of the Assembly;

73. *Decides* to entrust the Court, the Bureau, the President of the Assembly and the Secretariat, as appropriate, with the mandates contained in annex I to the present resolution.

## Annex I

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

1. With regard to **universality of the Rome Statute**, *requests* the Bureau continue to monitor the implementation of the Plan of action for achieving universality and full implementation of the Rome Statute and to report thereon to the Assembly during its thirteenth session;
2. With regard to **cooperation**,
  - (a) *requests* the President of the Assembly, to continue to engage actively and constructively with all relevant stakeholders, in accordance with the Bureau procedures on non-cooperation, both to prevent instances of non-cooperation and to follow up on a matter of non-cooperation referred by the Court to the Assembly; and
  - (b) *requests* the Bureau, through its Working Groups, to continue the discussions on the issue of non-essential contacts, and to report thereon to the Assembly well in advance of its thirteenth session;
3. With regard to **relationships with other international organizations and bodies**, *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;
4. With regard to **elections**, *decides* to consider, at its thirteenth session, the continuation of the review of the procedure for the nomination and election of judges, taking into account the work conducted so far as reflected in the facilitator's discussion paper;<sup>1</sup>
5. With regard to the **Secretariat of the Assembly of States Parties**, *requests* the Secretariat to report on its current establishment and the functions of each post, including by publishing a regularly updated staff directory;
6. With regard to **Legal Aid**,
  - (a) *requests* the Court and the Bureau to keep the legal aid system under review;
  - (b) *calls* on the Court to continue implementing the revised remuneration policy as adopted by the Bureau on 23 March 2012 and to continue quarterly reporting on the implementation performance of legal aid to the Bureau;
  - (c) *requests* the Court to, in support of the on-going reorganization and streamlining of the Registry, engage independent experts to reassess the functioning of the legal aid system and to report on its findings to the Bureau within 120 days following the completion of the first full judicial cycles.<sup>2</sup> Such reassessment should pay special regard to the determination of indigence and the resources required for the legal representation of victims, including the ability of counsels to consult with victims;
  - (d) *requests* the Court to present, as appropriate, a proposal to the Bureau for adjustments of the existing legal aid system within 120 days following the presentation of the report on the findings of the reassessment to the Bureau, based on the findings of the above reassessment process and following a comprehensive consultation with relevant stakeholders in accordance with rule 20.3 of the Rules of Procedure and Evidence;
  - (e) *requests* the Court to engage independent experts to assess, as part of the on-going process of reorganization and streamlining of the Registry, the impact of the role and responsibilities of the Office of Public Counsel for the Defence on the legal aid system, as well as to prepare a Strategic Plan for the Defence and report its findings, and to present the Strategic Plan to the Bureau in advance of the thirteenth session of the Assembly of States Parties; and

<sup>1</sup> *Report to the Bureau on the review of the procedure for the nomination and election of judges*, ICC-ASP/12/57, annex II.

<sup>2</sup> The end of the full judicial cycles refers to the issuance of a final appeal decisions in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and the case of *The Prosecutor v. Mathieu Ngudjolo Chui* respectively, including, as appropriate, a final decision on reparations.

(f) *mandates* the Bureau, following a proposal by the Court for adjustments to the legal aid system, as appropriate, to further consider the matter having recourse to any appropriate process, and to elaborate and propose any structural changes to the legal aid system, to be, if necessary, adopted by the Assembly, including proposing measures to further enhance the efficiency of the legal aid system;

7. With regard to the **Study Group on Governance**,

(a) *requests* the Bureau to extend for another year the mandate of the Study Group, as provided in resolution ICC-ASP/9/Res.2 and extended in resolutions ICC-ASP/10/Res.5 and ICC-ASP/11/Res.8, and

(b) *requests* the Study Group to report back to its thirteenth session;

8. With regard to **strategic planning**,

(a) *requests* the Bureau to continue to engage with all relevant stakeholders, on the basis of lessons learned, in dialogue with a view to developing a coordinated and comprehensive approach vis-à-vis the strategic planning of the Court, including its communication strategy;

(b) *invites* the Court to adapt its Strategic Plan for 2013-2017, as appropriate, on an annual basis, including for the purpose of the formulation of the budget assumptions, and to inform the Bureau thereon with a view to strengthening the budgetary process;

(c) *invites the Court* to hold annual consultations with the Bureau in the first trimester of each year, on the implementation of its strategic plans during the previous calendar year, with a view to improving performance indicators updated on the basis of lessons learned;

(d) *encourages* the Office of the Prosecutor to adjust its revised Strategic Plan for the year 2014-2015 in accordance with its implementation experience and to inform the Bureau on a regular basis thereon;

(e) *requests* that the Court, in consultation with States Parties, continues to work towards setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices;

(f) *requests* the Bureau to continue to engage in a dialogue with the Court on the development of a comprehensive risk-management strategy and to report thereon to the thirteen session of the Assembly; and

(g) *requests* the Bureau to continue to engage in dialogue with the Court on the implementation of the strategic approach to the Court's presence in the field with a view to the development of the Court's strategy on field operations and to report thereon on a regular basis;

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

(a) *recommends* that the Bureau continue to engage with the Court to identify ways to improve equitable geographical representation and increase the recruitment and retention of women in higher level professional posts, without prejudice to any future discussions on the suitability, or otherwise, of the current model, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the fourteenth session of the Assembly;

(b) *requests* the Court to submit a comprehensive report on Human Resources to the Assembly at its thirteenth session, which would include an update on the implementation of the recommendations on the topic which would be made by the Committee on Budget and Finance in 2014;

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

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

(b) *decides* that, with the understanding that the facilitation in the New York Working Group and its report to the Assembly on arrears is biennialized, the Bureau should continue to monitor the status of payments received throughout the financial year of the Court and consider additional measures to promote payments by States Parties, as appropriate, and continue to engage in dialogue with States Parties in arrears; and

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

11. With regard to the **Review Conference**, *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;

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

(a) *invites* the Working Group on Amendments to continue its consideration of amendment proposals, including all proposed amendments to the Rome Statute submitted prior to the Review Conference<sup>3</sup> and those submitted following the decision by the Extraordinary Summit of the African Union held on 12 October 2013 in Addis Ababa, in accordance with the Terms of Reference of the Working Group; and

(b) *requests* the Bureau to submit a report for the consideration of the Assembly at its thirteenth session;

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

(a) *decides* to hold a pledge ceremony during the thirteenth session of the Assembly on the ratification of the Agreement on Privileges and Immunities to invite States Parties to ratify it before the 20<sup>th</sup> anniversary of the Rome Statute (July 2018);

(b) *requests* the Bureau to further consider the issue of intermediaries and, in this regard, to continue engaging in a more in-depth discussion with the Court on this matter;

(c) *decides* that the Committee on Budget and Finance shall hold its twenty-second session from 28 April to 2 May 2014 and its twenty-third session from 7 to 17 October 2014; and

(d) *decides* that the Assembly shall hold its thirteenth session in New York from 8 to 17 December 2014 and its fourteenth session in The Hague.

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<sup>3</sup> As annexed to ICC-ASP/10/32.

## Annex II

### **Amendments to resolution ICC-ASP/3/Res.6 regarding the procedure for the nomination and election of judges**

*Note: The amendments below do not have retroactive effect and will therefore only apply to future elections.*

“3. The nomination period shall open 32 weeks before the elections and shall last 12 weeks.”

“27 bis. A judicial vacancy will be declared in accordance with article 37 of the Rome Statute if an elected judge does not make his or her solemn undertaking in accordance with article 45 of the Rome Statute within six months of his or her election.”

## Annex III

The text of Rule 29 of the Rules of Procedure of the Assembly of States Parties is replaced by the following:

**“Rule 29**

**Composition and function**

1. The Assembly shall have a Bureau consisting of the President, who shall preside, two Vice-Presidents and eighteen members elected by the Assembly from among the representatives of the States Parties for three-year terms. Should the regular session of the Assembly marking the end of the Bureau’s term of office be held later in the calendar year than the previous regular session, the Bureau shall continue to serve until the conclusion of that session. Unless the Assembly decides otherwise, the Assembly shall elect a new composition of the Bureau at the regular session marking the end of the term of office of the Bureau. The Bureau so elected shall assume its functions only at the conclusion of the session at which it is elected and shall hold office until the end of its term. The Bureau shall assist the Assembly in the discharge of its responsibilities.
  2. 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.
  3. The Bureau shall meet as often as necessary, but at least once a year.”
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