

## Resolution ICC-ASP/9/Res.3

*Adopted at the 5<sup>th</sup> plenary meeting, on 10 December 2010, by consensus*

### ICC-ASP/9/Res.3

## 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 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 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,

*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 its judicial decisions,

*Taking note with appreciation* of United Nations General Assembly resolution A/65/12 of 23 November 2010, concerning the Court, and previous relevant United Nations General Assembly resolutions,

*Welcoming* the success of the first Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010, and expressing appreciation for the extensive preparations undertaken by the Bureau, the Secretariat, the host State, States Parties, Court officials and civil society,

*Emphasizing* the renewed spirit of cooperation and solidarity and the firm commitment to fighting impunity for the most serious crimes of international concern to guarantee lasting respect for the enforcement of international criminal justice, reaffirmed by the high-level representatives of States Parties in the Kampala Declaration,<sup>1</sup>

*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,<sup>2</sup>

<sup>1</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, declaration RC/Decl.1.

<sup>2</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.3, para. 28.

*Noting* that it is the decision of the African Union Summit<sup>3</sup> to reject for now the opening of a liaison office of the Court to the African Union Headquarters in Addis Ababa, and *reiterating* that the presence of such a liaison office at the Headquarters of the African Union in Addis Ababa 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,

*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 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,

*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,

## **I. Rome Statute of the International Criminal Court and other agreements**

1. *Welcomes* the States that have become a Party to the Rome Statute of the International Criminal Court since the eighth session of the Assembly and *invites* States that are not yet parties to the Rome Statute to become so 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 judicial cooperation 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. *Encourages* States, particularly in view of the fundamental principle of complementarity, to include the crimes set out in articles 6, 7 and 8 of the Rome Statute as punishable offences under their national laws, to establish jurisdiction for these crimes, and to ensure effective enforcement of those laws;

5. *Resolves* to continue and strengthen effective domestic implementation of the Statute, to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally-recognized fair trial standards, pursuant to the principle of complementarity;

<sup>3</sup> 15<sup>th</sup> African Union Summit decision: Kampala, Uganda, from 19 to 27 July 2010.

6. *Calls upon* States Parties to comply with their obligations under the Rome Statute, in particular the obligation to cooperate in accordance with Part 9, *encourages* cooperation between States Parties to the Rome Statute particularly in situations where it is being challenged, *further calls upon* States Parties to continue and strengthen their efforts to ensure full and effective cooperation with the Court in accordance with the Statute, in particular in the areas of implementing legislation, enforcement of Court decisions and execution of arrest warrants;
7. *Encourages* States Parties to cooperate with the Court, in accordance with their capacity, in the areas of conclusion of agreements or arrangements or any other means of cooperation on witness relocation and the enforcement of sentences and *further encourages* States Parties to express their political and diplomatic support to the Court;
8. *Welcomes* the establishment of the Special Fund for Relocation which aims at strengthening cooperation with regard to witness protection and *encourages* States to contribute to that Fund;
9. *Calls upon* States Parties to give concrete expression in actions to the commitments made in the statements, declarations and pledges made at Kampala;
10. *Takes note* of the report of the Bureau on cooperation;<sup>4</sup>
11. *Requests* the facilitator to continue her work on cooperation as provided for in resolution ICC-ASP/8/Res.2,<sup>5</sup> *recalls* the decision taken in Kampala that the Assembly, “in its consideration of the issue of cooperation, place a particular focus on sharing experiences”,<sup>6</sup> *further requests* the facilitator to explore proposals to facilitate the sharing of experience and other initiatives to enhance cooperation, such as a standing item on cooperation within the Assembly’s agenda;
12. *Recognizes* the negative impact that the non-execution of Court requests can have on the ability of the Court to execute its mandate, and *requests* the Bureau to prepare a report on which Assembly procedures could be required to enable it to discharge its mandate to consider any question relating to non-cooperation and to submit that report to the Assembly for consideration at its tenth session;
13. *Looks forward* to receiving an updated report of the Court on cooperation to the Assembly at its tenth session, which would include an examination of how to enhance public information on, and promote an understanding of, the mandate and operations of the Court;
14. *Recognizes* 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, thus facilitating, where appropriate, the prosecution of war crimes, both at the national level and before the Court;
15. *Encourages* States Parties to further discuss issues related to the principle of complementarity;
16. *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>7</sup> *endorses* the recommendations of the report, and *requests* the Bureau to continue to monitor its implementation and to report thereon to the Assembly during its tenth session;
17. *Welcomes* the States Parties that have become a Party to the Agreement on the Privileges and Immunities of the International Criminal Court and *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 incorporate it in their national legislation, as appropriate;

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<sup>4</sup> ICC-ASP/9/24.

<sup>5</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.2, para. 28.

<sup>6</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, declaration RC/Decl.2, para. 8.

<sup>7</sup> Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court (ICC-ASP/9/21).

18. *Recalls* that the Agreement on the Privileges and Immunities of the International Criminal Court and international practice exempt salaries, emoluments and allowances paid by the Court to its officials and staff from national taxation and *calls upon* States that have not yet become parties to this Agreement 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;

19. *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 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;

## II. Institution-building

20. *Takes note* of the statements presented to the Assembly by the heads of the organs of the Court, including the President, the Prosecutor and the Registrar, as well as by the Chair of the Board of Directors of the Trust Fund for Victims, the Vice-Chair of the Committee on Budget and Finance, and the Chair of the Oversight Committee on permanent premises;

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>8</sup> referred to the Court or which the Prosecutor initiated proprio motu;

22. *Takes note* of the experience already gained by other relevant international organizations in solving operational challenges similar to those encountered by the Court and, while reiterating its respect for the independence of the Court, *invites* the Court to continue to take note of best practices of other relevant international organizations and tribunals;

23. *Encourages* the Court to continue the dialogue with other international courts and tribunals to assist with their planning on residual issues and invites the Court to conduct, in consultation with the Oversight Committee on the permanent premises, a preliminary assessment of the possible modalities of hosting one or more residual mechanisms at the permanent premises of the Court on a cost-neutral basis for the Court, and without prejudice to the flexibility of the project and the area for the mandate of the Court;

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

25. *Requests* the Bureau to prepare a report to the Assembly for its tenth session on the potential implementation of article 36, paragraph 4(c), of the Rome Statute;

26. *Notes with appreciation* the consultations held by the Office of the Prosecutor on its 2009-2012 Prosecutorial Strategy with States, international organizations and civil society, as well as on its policy papers on victims' participation and preliminary examination, and *encourages* the Office of the Prosecutor to continue to carry out such consultations on its policy papers and guidelines, as a continuing sign of its transparency;

27. *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;

<sup>8</sup> United Nations Security Council resolution 1593 (2005).

28. *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;
29. *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;
30. *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;
31. *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;
32. *Welcomes* the presentation of the sixth report of the Court to the General Assembly of the United Nations;<sup>9</sup>
33. *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;
34. *Welcomes* the efforts undertaken by the Court to implement the One-Court principle, including by coordinating the activities of the Court among its organs at all levels, 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 and, in this regard, *welcomes* the report of the Court on measures to increase clarity on the responsibility of different organs;<sup>10</sup>
35. *Welcomes* the report of the Bureau on the strategic planning process of the International Criminal Court,<sup>11</sup> *welcomes* the efforts of the Court to implement a strategic approach based on the document entitled "Revised strategic goals and objectives of the International Criminal Court for 2009-2018",<sup>12</sup> *welcomes* also the substantial progress made by the Court in the implementation of the strategic goals and objectives, *underlines* the importance of a credible process of strategic planning that has a guiding impact on the definition of the Court's annual priorities and work programmes as well as on budgetary allocations;
36. *Reiterates* the importance of 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 and, in this regard, *recommends* that the Court should work towards setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices;
37. *Invites* the Court to focus increasingly on the thorough and transparent assessment of results achieved through Court activities in reaching the priorities set, using an appropriate set of performance indicators, including the horizontal parameters of efficiency and effectiveness, for the Court activities and on the retroaction of lessons learned into the strategic planning process;

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<sup>9</sup> United Nations document A/65/313.

<sup>10</sup> ICC/ASP/9/34.

<sup>11</sup> ICC-ASP/9/32.

<sup>12</sup> Report on the activities of the Court (ICC-ASP/7/25, annex).



38. *Reiterates* the need to continue to improve and adapt outreach activities and *encourages* the Court to further develop and implement the Strategic Plan for Outreach<sup>13</sup> in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage;
39. *Reiterates* that the wider issues of public information and communication on the Court and its activities are of a strategic nature and welcomes the recent presentation of an ICC Public Information Strategy 2011-2013;<sup>14</sup>
40. *Recommends* that a productive dialogue be maintained between States Parties and the Court and its organs on the content and implementation of this strategy, *considers in particular* that the issues of public information and communication are a shared responsibility of the Court and States Parties and *recommends* that they share information on future initiatives in this area, in particular in view of the celebration of the Day of International Criminal Justice (17 July);<sup>15</sup>
41. *Notes* that strategic planning, while setting a middle to long-term perspective, needs to be responsive to changing circumstances and new emerging issues, like the adequate management of priority risks or the development of a Court strategy on field operations, and *reiterates its willingness* to engage in constructive dialogue with the Court also on such issues;
42. *Underlines* the perspective of the review of the Strategic Plan to be undertaken by the Court in 2012 and *stresses* its interest in contributing early on to the informal process of consultations leading up to this review;
43. *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 and violence against women or children and *encourages* further progress in this regard;
44. *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;
45. *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, *welcomes* the report of the Bureau,<sup>16</sup> and *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 tenth session of the Assembly;
46. *Urges* the Court, in recruiting officers in charge of victims and witnesses affairs, to ensure that they have the necessary expertise to take into account the cultural traditions and sensitivities and the physical and social needs of victims and witnesses, particularly when they are required to be in The Hague or outside their country of origin to take part in Court proceedings;

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<sup>13</sup> Ibid.

<sup>14</sup> ICC/ASP/9/29.

<sup>15</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, declaration RC/Decl.1, para.12.

<sup>16</sup> Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/9/30).

47. *Welcomes* the report of the Bureau on complementarity<sup>17</sup> and the progress made in implementing the Review Conference resolution on complementarity,<sup>18</sup> *requests* the Bureau to continue the dialogue with the Court and other stakeholders on the issue of complementarity and the further implementation of the Review Conference resolution as set out in the Bureau report on complementarity, “Taking stock of the principle of complementarity: bridging the impunity gap”<sup>19</sup> as well as the progress report of the Bureau, and *invites* the Court and the Secretariat to report to the next session of the Assembly on this matter, in accordance with resolution RC/Res.1;

48. *Welcomes* activities aimed at strengthening complementarity and the international justice system, such as the Court’s Internship and Visiting Professionals Programme, as well as the Legal Tools Project, all of which aim at enhancing knowledge of the Rome Statute system, international criminal law and creating tools to facilitate the national prosecution of the Rome Statute crimes equipping users with the legal information, digests and software required to work effectively in the field of international criminal law, contributes significantly to the promotion of international criminal law and justice and thus in fighting impunity, and *encourages* States to contribute actively in support of these activities;

49. *Recalls* the resolution adopted by the Review Conference entitled “The impact of the Rome Statute system on victims and affected communities”,<sup>20</sup> *welcomes* the final report of the focal points regarding the stocktaking exercise,<sup>21</sup> *requests* the Court to review its strategy in relation to victims<sup>22</sup> and to consider all aspects of the recommendations of the panel, including budgetary implications<sup>23</sup> contained in the final report, and to report on the progress to the Assembly at its tenth session, *encourages* States and civil society to take action to implement the resolution also with regard to victims’ reparations and to consider carrying forward the recommendations in the final report, *notes that*, in light of the Court’s forecast, the first reparations order could be issued in the course of 2011, *underlines* the usefulness of a timely and informative dialogue between States Parties and the Court on victims-related issues of common interest and *requests* the Bureau to report on the developments in the victims-related issues to the Assembly at its tenth session;

50. *Requests* the Bureau to consider the view of the Committee on Budget and Finance<sup>24</sup> that the Assembly might wish to provide guidance to the Court on the extension of the term of a judge, in particular, but not limited to, with regard to reparations proceedings, and to report thereon to the Assembly at its tenth session;

### III. Assembly of States Parties

51. *Expresses its appreciation* to the Secretary-General of the United Nations for facilitating the eighth resumed session and the ninth session of the Assembly, held at United Nations Headquarters, and *looks forward* to continuing such assistance to the Court in accordance with the Relationship Agreement between the United Nations and the Court;

<sup>17</sup> ICC-ASP/9/26.

<sup>18</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, resolution RC/Res.1.

<sup>19</sup> ICC-ASP/8/51.

<sup>20</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, resolution RC/Res.2.

<sup>21</sup> *Ibid.*, annex V(a).

<sup>22</sup> ICC-ASP/8/45.

<sup>23</sup> Paragraph 14 (c) of the final report reads as follows:

“(c) The way forward

(i) The Court needs to find creative ways to strengthen its two-way dialogue with victims and affected communities.

(ii) The Court’s outreach activities need to be further optimized and adapted to the needs of victims.

(iii) A specific policy needs to be developed for addressing the needs of women and children.

(iv) More protective measures are needed for victims and witnesses.

(v) A comprehensive policy towards intermediaries should be finalized by the Court and implemented.

(vi) Field operations should be reinforced and linked to strategic planning and the allocation of resources.

(vii) The Trust Fund should be congratulated for conducting a monitoring and evaluation programme of its current project and encouraged, where prudent, to increase its visibility.

(viii) Finally, the Court and its staff cannot walk this road alone. They need the stewards of the Court—the States Parties—to continue their commitment, support and leadership.”

<sup>24</sup> *Official Records ... Ninth session...2010* (ICC-ASP/9/20), vol. II, part B.2, para. 68.

52. *Takes note* of the latest report on the activities of the Court to the Assembly;<sup>25</sup>
53. *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>26</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>27</sup> and decided to retain, for the time being, article 124 of the Statute;<sup>28</sup>
54. *Notes* that those amendments are subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 5;
55. *Notes with satisfaction* that the Depositary has notified the States Parties of the adoption of these amendments by the Review Conference, *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 Statute;
56. *Requests* the Bureau to prepare a report for the consideration of the Assembly, at its tenth session, on procedural rules or guidelines for the Working Group on Amendments;
57. *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;
58. *Welcomes* the substantive discussions carried out within the framework of the stocktaking exercise on international criminal justice to identify opportunities and challenges presented to the Court and the Rome Statute system and *commits* to the implementation of the resolutions on "Complementarity," "Impact of the Rome Statute system on victims and affected communities," and "Enforcement of Sentences,"<sup>29</sup> and the declaration on "Cooperation" as critical next steps in meeting these challenges;
59. *Recalls* that the Review Conference also conducted, as part of its stocktaking exercise, a panel discussion on peace and justice, *takes note with appreciation* of the moderator's summary of that discussion and *commends* this topic for further exploration and development;
60. *Welcomes* the robust participation of civil society in the Review Conference, *welcomes* the opportunity provided by the Review Conference to bring States Parties closer to the work of the Court in situations under investigation, including through visits to the Court's field offices, and *encourages* States Parties to continue to take opportunities to raise awareness, including among State officials, of the Court's activities in situations under preliminary examination and investigation;
61. *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;
62. *Recalls* the prominent place given to the victims and their families in the stocktaking exercise during the Kampala Review Conference, including highlighting the right of victims to apply for reparations and benefit from assistance provided through the Trust Fund for Victims;

<sup>25</sup> ICC-ASP/9/23.

<sup>26</sup> *Official Records ... Review Conference ... 2010* (RC/11), part II, resolution RC/Res.6.

<sup>27</sup> *Ibid.*, resolution RC/Res.5.

<sup>28</sup> *Ibid.*, resolution RC/Res.4.

<sup>29</sup> *Ibid.*, resolution RC/Res.3.



63. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute voluntarily to the Trust Fund for Victims, in order to substantively increase the volume of the Trust Fund, broaden the resource base and improve the predictability of funding, and *expresses its appreciation* to those that have done so;
64. *Expresses its appreciation* to the Board of Directors of the Trust Fund for Victims and the Secretariat of the Trust Fund for Victims for their continuing commitment to easing the suffering of victims, and *encourages* the Secretariat of the Trust Fund to continue to strengthen its ongoing dialogue with the Registry, the States Parties and the international community, including donors as well as civil society, who all contribute to the valuable work of the Trust Fund for Victims, so as to ensure increased strategic and operational visibility, including transparent and quality driven activities that benefit victims and their families in situations under the jurisdiction of the International Criminal Court;
65. *Encourages* the Board of Directors of the Trust Fund for Victims and the Secretariat of the Trust Fund for Victims to anticipate the activation of the reparations mandate of the Trust Fund for Victims in the coming year, requiring pro-active engagement with stakeholders and the assurance of appropriate reservations for reparations while respecting existing commitments, and *calls upon* States to consider their voluntary contributions to the Trust Fund for Victims in view of imminent reparations;
66. *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 arrears, immediately, in accordance with article 115 of the Statute, rule 105.1 of the Financial Regulations and Rules, and other relevant decisions taken by the Assembly;
67. *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;
68. *Takes note* of the report of the Bureau on the arrears of States Parties<sup>30</sup> and *decides* that the Bureau should continue to monitor the status of payments received throughout the financial year of the Court, consider additional measures to promote payments by States Parties, as appropriate, and continue to engage in dialogue with States Parties in arrears;
69. *Requests* the Secretariat to inform States Parties periodically of States that have recovered their voting rights following payment of their arrears;
70. *Welcomes* the work by the Bureau and its two informal working groups and *invites* the Bureau to create such mechanisms as it considers appropriate and to report back to the Assembly on the result of their work;
71. *Also welcomes* the efforts of the Bureau to ensure communication and cooperation between its subsidiary bodies and *invites* the Bureau to continue such efforts;
72. *Takes note* of the important work done by the Committee on Budget and Finance, and *reaffirms* the independence of the members of the Committee;
73. *Recalls* that, according to its Rules of Procedure,<sup>31</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, *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 such documents are considered, and *requests* the Secretariat, together with the Committee on Budget and Finance, to continue to make the necessary arrangements;
74. *Decides* that the Committee on Budget and Finance shall hold its sixteenth session from 11 to 15 April 2011 and its seventeenth session from 22 to 30 August 2011;
75. *Decides* that the Assembly shall hold its tenth session in New York from 12 to 21 December 2011 and its eleventh session in The Hague. The twelfth, thirteenth and fourteenth session shall be held in The Hague and New York, alternately.

<sup>30</sup> ICC-ASP/9/27.

<sup>31</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), annex III.