



# BACKGROUND

## ASSEMBLY OF STATE PARTIES 18

The Hague, 2-7 December 2019



# COALITION FOR THE INTERNATIONAL CRIMINAL COURT



The COALITION FOR THE INTERNATIONAL CRIMINAL COURT includes 2,500 non-governmental organizations around the world working in partnership to strengthen international cooperation with the International Criminal Court; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity, and genocide.

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## 1. Introduction

This paper serves to provide informal background information for delegations from States Parties, observer states, international and regional organizations, and civil society attending the 18<sup>th</sup> session of the Assembly of States Parties to the Rome Statute (ASP) taking place from 2-7 December 2019 in The Hague, The Netherlands.

Since 1995, the Coalition for the International Criminal Court has led the civil society effort that successfully campaigned for the adoption of the Rome Statute in 1998 and the creation of the world’s first permanent international criminal court to hold perpetrators of genocide, war crimes, and crimes against humanity to account. The International Criminal Court (ICC) was established just four years later.

The Coalition has since facilitated unprecedented access and participation by civil society from around the world to the ASP and other discussions surrounding the ICC and the Rome Statute system. At the 2<sup>nd</sup> ASP session in 2003, the Coalition was recognized by States Parties for its “*coordinating and facilitating role*”<sup>1</sup>.

As in previous years, civil society participating at the 18<sup>th</sup> ASP session will coordinate its activities through the Coalition. The Coalition will assist more than 500 NGO participants representing over 180 non-governmental organizations from all regions of the world in making their opinions and recommendations known to the ICC’s governing body during the ASP session.

The annual ASP session is a pivotal forum for the Coalition and its members to engage with States Parties and other actors, and reflect upon their respective positive contributions to the Rome Statute process in the twelve months prior to the session and to look ahead on how to further strengthen and protect the international justice system in the year to come.

The consultative arrangements for NGOs at the 18<sup>th</sup> ASP session will provide States Parties and observers an opportunity to exchange information and forge relationships around shared goals.

Numerous side-events (co-)organized by the Coalition or by member organizations will take place in the margins of the 18<sup>th</sup> session, providing a platform for enhanced dialogue between the participating NGOs on the one hand, and the Court, states, and international organizations on the other.

In advance of and during the 18<sup>th</sup> ASP session, the Coalition will continue its advocacy for a fair, effective, and independent Court by addressing a number of key issues through advocacy documents, letters, meetings, press briefings, and other events.

At the conclusion of each working day of the annual session, the Coalition will publish an informal daily summary on the Coalition’s #GlobalJustice News Center at <http://www.coalitionfortheicc.org/assembly-of-states-parties-2019>.

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<sup>1</sup> ICC-AP/2/Res.8 [https://asp.icc-cpi.int/iccdocs/asp\\_docs/Resolutions/ICC-ASP-ASP2-Res-08-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-ASP2-Res-08-ENG.pdf)

## 2. The Assembly of States Parties

The Assembly of States Parties to the Rome Statute (ASP) serves as the management oversight and legislative body of the ICC. The ASP comprises all States Parties to the ICC’s founding treaty, the Rome Statute (RS).

It is important to note that while the ASP performs management oversight and legislative functions for the ICC, it is strictly forbidden from interfering with the judicial or prosecutorial independence of the Court.

### *ASP Bureau and Presidency*

The ASP has an executive committee – the ASP Bureau – that consists of a president, two vice- presidents, and (usually) 18 States Parties, elected by the Assembly taking into account equitable geographical distribution and adequate representation of the principal legal systems of the world. The ASP president and vice-presidents, as well as the Bureau members, are each elected for three-year terms.

The Bureau helps the ASP comply with its various mandates and meets regularly throughout the year in New York, United States of America and in The Hague, The Netherlands. The Bureau has two working groups: New York Working Group (NYWG) and The Hague Working Group (HWG) each presided over by one of the ASP vice-presidents.

The ASP President, Vice-Presidents, and 18 members of the Bureau were elected by the Assembly by consensus during the 16<sup>th</sup> ASP session, and assumed their functions immediately following the conclusion of the session on 15 December 2017.

The current president of the ASP is H.E. O-Gon Kwon of the Republic of Korea, who is supported by vice-presidents H.E. Ambassador Michal Mlynár of Slovakia (based in New York) and H.E. Ambassador Jens-Otto Horslund of Denmark (based in The Hague).

The current [Bureau](#) members are:

Argentina	Australia	Austria
Denmark	Bangladesh	Colombia
Côte d’Ivoire	Ecuador	Estonia
France	The Gambia	Ghana
Japan <sup>2</sup>	Mexico	Netherlands
Republic of Korea	Senegal	Serbia
Slovakia	Slovenia	Uganda

<sup>2</sup>Japan is temporarily stepping down as a member of the Bureau for one year in favor of the State of Palestine at the end of the 18<sup>th</sup> ASP session, based on a seat-sharing arrangement agreed to by Bangladesh, Japan, and the State of Palestine, candidates to the 2017 Bureau elections.

### ***ASP Secretariat***

The ASP has a permanent Secretariat (ASP Secretariat), which is located in The Hague and directed by Mr. Renan Villacis. The ASP Secretariat provides administrative, technical, as well as independent and substantive assistance to the ASP, the Bureau, and their various subsidiary bodies.

### ***States Parties***

The ASP is composed of the 122 states that have ratified or acceded to the Rome Statute. While each State Party receives one vote in the decision-making process of the ASP (RS Article 112(7)), both the Rome Statute and the ASP Bureau encourage states to reach prior consensus on matters that require a vote; only when this is impossible is resort to an actual vote undertaken.

### ***Observers***

States that signed the Statute but have not ratified it or signed the Final Act of the Rome Conference, as well as regional and international organizations, civil society, and the media may participate in Assembly meetings with 'observer' status. Participation in the ASP sessions provides these groups with an opportunity to interact with the Rome Statute system of international justice. These observer states that are not party to the Statute may, for example, make statements during the General Debate or in other plenary discussions, or provide updates on progress towards ratification and/or implementation of the Rome Statute, the Agreement on Privileges and Immunities of the Court (APIC), or the conclusion of voluntary cooperation agreements with the Court.

### ***Sessions of the Assembly of States Parties***

The ASP meets collectively in what is known as a 'session' at least once a year, in either New York or The Hague. The 18<sup>th</sup> ASP session will take place at the World Forum Convention Center in The Hague, The Netherlands from 2 to 7 December 2019.

States Parties use the annual ASP sessions to discuss and decide upon important issues related to the functioning of the ICC and the Rome Statute system as a whole. Such issues may involve core obligations of States Parties in relation to cooperation and complementarity, as well as vital institutional matters like the annual ICC budget and the efficiency of Court proceedings.

In addition to taking decisions at each annual session, the ASP tasks the Bureau with facilitating discussions during the following year on a number of issues that will be significant to the activities of the ICC and ASP. These topics are then assigned to either The Hague or New York Working Groups, and (co-) facilitators or (co-) focal points from States Parties are appointed to lead specific discussions.

At every annual session, the ASP tasks subsidiary bodies, like the Committee on Budget and Finance, as well as organs of the Court and sometimes independent external actors, with reporting back on relevant issues the following year, with a view to informing the decision-making process. These reports, and more information about the ASP, are available on the official ASP website at <https://asp.icc-cpi.int>.

### ***The 18<sup>th</sup> session of the ASP***

While the outcomes of each annual ASP session represent the specific issues discussed in any given year, they usually fall under recurring general themes. At the conclusion of the 18<sup>th</sup> session, one can expect the ASP plenary to have adopted language in stand-alone resolutions – or as part of a catch-all omnibus resolution – on issues related to the upcoming judicial and prosecutorial elections, the ICC review process, universality, cooperation, the relationship between the ICC and the United Nations, victims and affected communities, complementarity, amendments to the Rome Statute and the 2020 ICC budget, among many other topics.

A great number of side events, largely (co-)organized by civil society, will take place in the margins of the ASP. Topics on the Assembly’s agenda, as well as others related to the work and broader impact of the ICC, will be discussed during breakfast meetings, lunch breaks, or evening events. All side-events are listed in the ASP Journal, which provides a daily agenda and overview of the plenary sessions and other events taking place during the 18<sup>th</sup> ASP session.

The ASP Journal is available on the [ASP website](#) and is regularly [updated](#) throughout the annual session.

### **3. Opening Session**

The 18<sup>th</sup> ASP session opens on Monday 2 December 2019 with a plenary session dedicated to preliminary (and administrative) tasks. The opening session also typically features a number of keynote addresses – by the ASP President, the ICC President, and the ICC Prosecutor - and possibly statements by participating Heads of State or government, ministers, or other high-level state or intergovernmental organization representatives.

The Assembly begins by formally adopting the agenda of the 18<sup>th</sup> ASP session, followed by the election of a Bureau member and the appointment of the Credentials Committee.

After appealing to states in arrears to satisfy their outstanding financial contribution requirements, the Assembly will hear reports on the activities of the Court and the Board of Directors of the Trust Fund for Victims, and on the activities of the Bureau, among possible others.

The Assembly will elect six members of the Committee on Budget and Finance, will fill one vacancy on that same Committee and will elect one member of the Advisory Committee on Nominations of judges. (see chapter 8 for information on elections)

### **4. The General Debate**

The General Debate is scheduled to take place during the first two days of the ASP session (2 and 3 December 2019). The General Debate provides an opportunity for participants to address issues related to their work and the wider Rome Statute system of international justice.

The General Debate portion of the ASP also provides an excellent opportunity for high-level statements of support for the ICC and Rome Statute system. In these statements, States Parties, non-States Parties, regional and international organizations, and civil society can reiterate their support for the Court and its progress thus far, as well as identify those areas in which the ICC can continue to improve with an aim to fulfilling its unprecedented mandate.

The General Debate also serves as an opportunity to inform ASP participants of steps taken to ratify or accede to the Rome Statute, as well as to update on progress made regarding domestic implementation of the Statute and ratification of the Agreement on Privileges and Immunities of the Court (APIC). In the same vein, delegations may use the General Debate to highlight specific efforts undertaken to improve cooperation with the Court.

The Coalition has long encouraged states to take full advantage of this opportunity to express support for an end to impunity through the Rome Statute system, in addition to their taking formal positions with respect to a

variety of issues up for discussion. At the 18<sup>th</sup> ASP session, some key positions for states to consider during their General Debate statements include:

- Unconditional **commitment** to the ICC as the cornerstone of the fight against impunity and a critical element of a rules-based international order;
- Commitment to work together as States Parties to **oppose efforts to undermine the court's work** and independence, and in particular strongly condemn and counter **threats** made against the ICC, its officials, and those cooperating with the Court;
- The need to safeguard the **integrity of the Rome Statute**, and its cornerstone principles;
- The opportunity provided by the **ongoing review process of the ICC** to bring together states, court officials, experts and civil society in a joint effort to strengthen the work of the Court, and ensure it can exercise its mandate over the coming years to its full potential;
- The commitment to uphold and defend the ICC's **judicial and prosecutorial independence**;
- The commitment to ensure a proactive, fair, informed, and transparent search and **election process for the next ICC Prosecutor**, as well as the commitment to nominate and elect the most highly qualified candidates to the 2020 **judicial elections**;
- The commitment to **robust cooperation**, including through enhanced efforts to execute arrest warrants, the conclusion of **voluntary cooperation agreements** with the ICC, and ratification of the **Agreement on Privileges and Immunities of the ICC (APIC)**;
- The need for **universality of the Rome Statute**, as well as for its **full and effective implementation** into domestic jurisdictions;
- The commitment to upholding **complementarity** obligations and to building the capacities of national legal systems;
- Governments' **financial commitment** to the ICC to enable it to effectively execute the mandate they have given it, without political or arbitrary limitations to its annual budget;
- The **centrality of victims – including their meaningful participation** in the Rome Statute system **and the right to reparations**;
- The crucial role of civil society organizations and **human rights defenders** fighting to bring justice to victims around the world and working with the Court, and commitment to support, defend and protect human rights defenders and their work;
- Commitment to recognizing the Rome Statute system of justice as key in advancing accountability at the international and national level for **sexual and gender-based violence and violence against children** as grave crimes, including as war crimes, crimes against humanity, and genocide;
- Full support for **outreach and public information**, and their crucial importance for raising the Court's profile, creating environments conducive for the ICC's work, and managing expectations;
- The Rome Statute system's integral role in **conflict prevention and sustainable peacebuilding**; in implementing SDG Goal 16; and in advancing the indispensable role of women in international peace and justice processes.

The list of General Debate speakers becomes final in advance of the ASP, with each speaker encouraged to take



the floor for a maximum of five minutes. Participants can also contribute to the General Debate by making advanced written submissions for publication on the ASP website.

Civil society also takes part in the General Debate, with approximately 10 individual non-governmental organizations, including the Coalition for the ICC, delivering statements. The points raised by civil society during the General Debate often inform the decision-making process of States Parties throughout the remainder of the ASP session.

For civil society, the General Debate also serves as a forum to raise concerns that are not prominently featured – if at all – in the ASP program. Civil society can thus raise awareness about not only its own contributions in these areas, but also its ability to assist or collaborate in such areas with interested States Parties.

## **5. Call for the Highest Political Commitment to the International Criminal Court and the Rome Statute System**

Since its adoption in 1998, the Rome Statute has held out the promise of providing recourse to justice for victims and ending impunity for perpetrators of the crimes that shock the conscience of humankind. Yet, that promise is increasingly threatened by a global climate characterized by a retreat in multilateral engagement and rising tides of hostility, discrimination, and repression around the world. In addition, increasing attacks against the ICC and its officials and possibilities of further withdrawals from the Rome Statute continue to weaken the Rome Statute system and its support across the globe.

This year’s ASP session thus offers a critical opportunity to reaffirm the international community’s collective commitment to human rights, accountability, and the rule of law. It also provides a key platform to continue the discussion on how to strengthen the Court itself, including ongoing talks about key areas to be reviewed in the coming years.

We therefore appeal to governments to express your strong and continued political commitment to the Rome Statute and ICC by participating in the 18<sup>th</sup> session of the ASP at the highest level.

## **6. Review of the International Criminal Court and Rome Statute System**

Motivated by calls for a review of the Court’s performance made by States, Court officials, civil society and other key stakeholders, on 15 July 2019, the ASP President and two Vice-Presidents prepared the first version of a draft non-paper entitled “Matrix over possible areas of strengthening the Court and the Rome Statute System” (the Matrix).

The Matrix is a document that provides an informal outline of some of the challenges currently faced by the Court, and aims at identifying potential actions that could be taken in order to strengthen it. The Matrix is a living document which the ASP Presidency has indicated will continue to evolve as discussions continue to move forward. Some of the issues identified in the Matrix will be discussed in the various ASP working groups, while other issues will be assigned to a group of independent experts who would then conduct an “Independent Expert Review” (IER). The timeframe and timeline for the process outside of the IER is to be determined and discussed by the ASP.

The draft Terms of Reference for the ICC Independent Expert Review, which identify the selection process for the independent experts, their mandate, and the overall objective of the IER, which is to “identify ways to strengthen the Court and the Rome Statute system in order to promote universal recognition of their central

role in the global fight against impunity and enhance their overall functioning, while upholding the key principles enshrined in the Statute, including those of complementarity, integrity, judicial and prosecutorial independence”.

The experts will be mandated to carry out a review based on three clusters identified by States Parties:

- (i) Governance - will focus on, *inter alia*, the governance framework, inter-organ coordination and cooperation, management policies and leadership culture.
- (ii) Judiciary - will focus on various issues related to the judiciary, including the structure, organization, management, staffing and working methods.
- (iii) Investigations and prosecutions - will consider the structure, organization, management, staffing and working methods of the Office of the Prosecutor.

Members of the Coalition have reaffirmed that prosecutorial and judicial independence should be respected at all stages of the review process.

The Independent Expert Review is expected to be carried out by six to nine individuals, with two to three individuals per cluster. States and civil society were invited to suggest individual experts to the ASP Presidency. Experts will be appointed by the Assembly based on their competence and expertise, and also taking into account (i) balanced representation of principal legal systems of the world; (ii) equitable geographical representation; and (iii) gender balance; with competence and expertise being the overriding principle. The experts should begin their work in January 2020, with a view to submitting their final report in September of 2020, so that their conclusions may be considered at the 19<sup>th</sup> session of the ASP in 2020.

States, the Court and civil society have participated and commented on the content and working methods of this document. Civil society remains a key stakeholder and firmly supports a process of review aimed at strengthening the Court. Coalition members have been actively engaged in the consultations on the Matrix and the Independent Expert Review, calling for a transparent and inclusive ICC review process that (i) respects the principles of prosecutorial and judicial independence;(ii) protects the Rome Statute system and the fundamental principles enshrined in the Rome Statute; (iii) and ensures that the Court can exercise its mandate to its full potential in the coming years.

Civil society has further called for a truly independent expert review that (i) is composed of highly qualified and independent experts; (ii) provides sufficient safeguards for the selected individuals to fulfill their mandate independently, without undue influence from the States, the Court or other stakeholders; and (iii) allows experts to review the issues they consider relevant, according to their competence and expertise.

A plenary session on the “Review of the Court” will take place at the 18<sup>th</sup> session of the ASP, on Wednesday 4 December.

A draft Resolution entitled ‘Review of the International Criminal Court and Rome Statute System’ is currently being discussed by States Parties for adoption at the ASP.

## 7. Supporting the ICC and its proponents against external interference & threats

As the Court continues its work, the institution and its supporters have increasingly come under attack. Prominent among these recent attacks have been the threats and measures taken by the current United States administration.

On [10 September 2018](#), the current United States administration announced that it would impose sanctions against ICC officials over a possible investigation by the OTP on crimes allegedly committed in Afghanistan by US personnel, among others. On [15 March 2019](#), U.S. Secretary of State Michael R. Pompeo announced a policy of visa restrictions against ICC staff responsible for any investigation of U.S. personnel and its allied personnel without allies' consent over alleged crimes committed in Afghanistan. The U.S. administration threatened to take additional steps; including imposing economic sanctions if the ICC did not change its course.

The U.S. revoked the visa of the ICC Prosecutor, Ms. Fatou Bensouda, on 5 April 2019 while an ICC decision on the Prosecutor's request for authorization to initiate an investigation in Afghanistan was still pending. The Prosecutor's request was rejected on 12 April 2019 by the ICC Pre-Trial Chamber II, declaring that "an investigation into the situation in Afghanistan at this stage would not serve the interests of justice."

The U.S. has not backed down from its policy to threaten and undermine the International Criminal Court. Rather, on [9 October 2019](#), U.S. Secretary of State Michael Pompeo announced that the U.S. would continue to impose visa sanctions on "all ICC officials determined to be directly responsible for an ICC investigation of U.S. personnel, or of allied personnel without our allies' consent."

Inaction or mild responses to these type of threats - particularly those issued by major world powers - from ICC States Parties are likely to promote the emergence of a damaging new norm and practice that will shield alleged perpetrators from scrutiny, contributing to a culture of unrestrained impunity in an era in which mass atrocities continue.

Therefore, States should commit to working together to oppose any and all efforts to undermine the Court's work and independence, and in particular, threats made against the ICC, its officials, and those cooperating with it.

States should continue to support civil society engaged in international justice efforts, including by ensuring their protection as defenders of human rights and their access to debates and discussions focused on strengthening the Rome Statute system and bringing justice to victims the world over.

Reaffirming support for the above points would be in alignment with the principles enshrined in the introductory paragraphs of the annual overall policy resolution on "*Strengthening the International Criminal Court and the Assembly of States Parties*," (the '*Omnibus resolution*') which the Assembly has renewed and adopted for several years.

## **8. Elections at the 18th session of the ASP**

At the 18<sup>th</sup> session, the ASP will elect individuals to serve in the following key positions: six members of the Committee on Budget and Finance (CBF) and one member of the Advisory Committee on Nominations (ACN). The ASP will also elect to fill one vacancy on the Committee on Budget and Finance.

The Coalition monitors all ICC and ASP elections to ensure that they are fair, transparent, and lead to the election of the most highly-qualified candidates. The Coalition itself does not endorse or oppose individual candidates, but advocates for the integrity of the nomination and election processes. The Coalition strongly opposes reciprocal political agreements (or “vote-trading”) in ICC and ASP elections.

As part of its electoral monitoring activities, the Coalition urges States Parties to nominate only the most highly qualified candidates for the CBF and ACN. While the ASP resolutions governing the elections of the CBF and the ACN encourage consensus candidates, the Coalition has warned against applying this practice at the expense of a competitive field of nominees, as well as against other questionable practices like vote-trading.

### ***Election of Members of the Committee on Budget and Finance***

At the 18<sup>th</sup> ASP session, states will elect six members and fill one vacancy on the Committee on Budget and Finance (CBF).

The CBF is tasked with examining financial, budgetary and administrative documents submitted by the Court to the ASP, and makes recommendations to the ASP regarding the annual ICC Proposed Program Budget. It consists of twelve members that are elected for a period of three years. CBF Members may be re-elected.

The ASP has established (ICC-ASP/1/Res.4) that members of CBF shall be elected on the basis of equitable geographical distribution and be experts of recognized standing and experience in financial matters at the international level from States Parties. The twelve seats are distributed as follows:

- African States: 2 Seats
- Asia-Pacific States: 2 Seats
- Eastern European States: 2 Seats
- Group of Latin American and Caribbean States: 2 Seats
- Western European and Other States: 4 Seats

Following the resignation of Ms. Ingrid Eiken Holmgren (Sweden) on 18 March 2019, states must also elect a candidate to complete the remainder of Ms. Holmgren’s term, namely until 20 April 2021, and will be eligible for re-election. The vacancy corresponds to the Western European and other States (WEOG) group. At the closure of the nomination period on 25 August 2019, States Parties had nominated one candidate to fill the vacancy:

- DRUML, Werner (Austria)

At the closure of the nomination period of the other six members on 25 August 2019, States Parties had nominated the following six candidates for election to the Committee on Budget and Finance:

- FERNANDEZ-OPAZO, Carolina Maria (Mexico)
- LEE, Urmet (Estonia)
- MATTIYA, Loudon Overson (Malawi)
- MCDONNELL, Daniel (United Kingdom)
- STEIN, Klaus (Germany)
- VENEAU, Richard (France)

As the number of candidates equals the number of vacant seats, the election will be “clean slate.”

The Coalition has consistently encouraged States Parties to avoid clean slate elections, and to ensure that all elections are competitive, open, and fair, as this would allow for fresh insight and expertise to be utilized for the good of the entire Rome Statute system.

### ***Election of Members of the Advisory Committee on Nominations***

At the 18<sup>th</sup> ASP session, states will also elect one member of the Advisory Committee on Nominations (ACN). The ACN is mandated to facilitate that the most highly-qualified individuals are elected as Judges of the International Criminal Court (ICC-ASP/10/36). The Committee carries out assessments of judicial candidates based on the requirements of Article 36 of the Rome Statute and makes its resulting analyses available to States Parties and observers.

The ASP established (ICC-ASP/10/36) that the Advisory Committee on Nominations should be composed of nine members, nationals of States Parties and designated by the Assembly by consensus, reflecting the principal legal systems of the world and an equitable geographical representation, as well as a fair representation of both genders. ACN members should have established competence and experience in criminal or international law, and should be of high moral character. The members of the Committee serve in their personal capacity and are not representatives of their state. Members are elected for three-year terms, with the possibility of re-election only once.

At the closure of the nomination period on 25 August 2019, States Parties had nominated the following candidate for election to the Advisory Committee on Nominations:

- SONG, Sang-Hyun (Republic of Korea)

As with the CBF elections, the number of candidates for the ACN also equals the number of vacant seats, resulting in another “clean slate” election.

### ***Election of an ASP Bureau member***

At the conclusion of the 18<sup>th</sup> ASP session, Japan will step down as a member of the Bureau for one year, as per the following seat-sharing arrangement agreed among Bangladesh, Japan, and the State of Palestine:

- 15 December 2017 until the conclusion of the 17<sup>th</sup> ASP session: Japan and Palestine;
- The day after the conclusion of the 17<sup>th</sup> ASP session until the conclusion of the 18<sup>th</sup> session: Bangladesh and Japan;
- The day after the conclusion of 18<sup>th</sup> session until the conclusion of the 19<sup>th</sup> session: Bangladesh and Palestine.

## **9. Preparation for the election of the next ICC Prosecutor at the 19<sup>th</sup> session of the ASP**

The ICC Prosecutor is elected for a nine-year term by the Assembly of States Parties and cannot be re-elected. Ms. Fatou Bensouda (The Gambia) took office on 15 June 2012 as the second ICC Prosecutor, after being elected by consensus during the 10<sup>th</sup> session of the Assembly of States Parties in December 2011. Her term will run until 15 June 2021.

The election of the next prosecutor is scheduled to take place at the 19<sup>th</sup> session of the ASP in 2020 in New York.

The election of the ICC Prosecutor is a crucial decision, impacting almost every aspect of the Court. This election also comes at a critical point for the ICC: facing a number of challenges in recent years, criticism and attacks towards the Court have mounted and, therefore, it has become increasingly important that the ICC maintains its independence and impartiality.

The new Prosecutor will greatly influence the ICC’s future direction and how well it faces challenges within the external environment, including those aimed at undermining the very foundations of the Court.

Article 42 of the Rome Statute stipulates the requirements for the election of the Prosecutor: the elected individual shall be of high moral character, highly competent in and have extensive practical experience in prosecution or trial of criminal cases, and have excellent knowledge of and be fluent in one of the working languages of the Court.

States make efforts to elect the Prosecutor by consensus, but in the absence of consensus, elections occur by secret ballot in which the candidate is elected by an absolute majority of States Parties.

During the final meeting of the 17<sup>th</sup> session, in 2018, the ASP Bureau decided to establish a committee tasked with overseeing the election of the Prosecutor, which resulted in the establishment of the Committee on the Election of the Prosecutor (CEP) a few months later. The Committee is a body, comprised of one representative per regional group, with a mandate to facilitate the nomination and election, by consensus, of the next Prosecutor, and is assisted by a panel of independent experts, one per regional group, in order to execute its functions.

Both the Committee members and the experts were named by the Bureau in June 2019.

**Committee Members:**

- Ambassador Marcin Czepelak (Poland)
- Mr. Lamin Faati (Gambia)
- Ambassador Andreas Mavroyiannis (Cyprus)
- Ambassador Sabine Nölke (Canada)
- Ambassador Mario Oyarzábal (Argentina)

**The Panel of Experts:**

- Mr. Francisco Cox Vial (Chile)
- Ms. Aurélie Devos (France)
- Mr. Charles Jalloh (Sierra Leone)
- Mr. Motoo Noguchi (Japan)
- Ms. Anna Richterová (Czech Republic)

The CEP accepted individual applications for the position of ICC Prosecutor through an open vacancy announcement published on the ICC and ASP websites. The deadline for applications was 31 October 2019, and was extended to 25 November 2019. Nominations endorsed by States Parties and other groups were not encouraged at this stage.

Before the CEP submits an unranked shortlist of three to six of the most highly qualified candidates, the panel of experts will share an independent assessment of the candidates with the CEP before the deadline of June 2020. This will allow the panel, which does not make the formal recommendation to the Bureau, to express their expert and independent views on the candidates for the next ICC Prosecutor.

The Coalition strongly rejects reciprocal political agreements, or “vote-trading” in this key election of the next

Chief Prosecutor of the ICC.

The Coalition and its members continue to robustly call on State Parties to nominate and elect the most highly-qualified and independent candidates to key positions in the Rome Statute system through fair, transparent, and merit-based nomination and election processes.

## 10. Preparation for the election of the next ICC Judges at the 19<sup>th</sup> session of the ASP

Judges of the International Criminal Court are elected by the Assembly of States Parties for a non-renewable term of nine years. Every three years, one third of the 18 judges of the Court, is replaced by the ASP.

**The next judicial elections will take place in 2020, during the 19<sup>th</sup> session of the Assembly of States Parties**, where states will elect six judges.

The nomination and election of judges is governed by a procedure that aims to ensure a balance of equitable geographic representation, a fair representation of female and male judges, and representation of the principal legal systems of the world and legal competence and expertise. Elected judges shall be individuals of high moral character, impartiality and integrity, who possess the qualifications required in their respective States for appointment to the highest judicial offices.

ICC judges are elected from two lists of candidates. List A is comprised of candidates who have established competence in criminal law and procedure, and the necessary relevant experience, whether as a judge, prosecutor, advocate or in any other similar capacity in criminal proceedings. List B includes candidates who have expertise in the field of international law and extensive experience in a professional legal capacity. In addition, State Parties also consider candidates with legal expertise on specific issues, including, for example, violence against women or children.

The newly elected judges will serve for the regular nine-year term from 2021-2030 and will fill the vacancies of the six outgoing judges, who will complete their terms on 10 March 2021. The outgoing judges are:

- Judge Chile Eboe-Osuji (Nigeria) - *Current ICC President*
- Judge Robert Fremr (Czech Republic) - *Current ICC First Vice President*
- Judge Howard Morrison (United Kingdom)
- Judge Olga Herrera-Carbuccia (Dominican Republic)
- Judge Geoffrey Henderson (Trinidad and Tobago)
- Judge Raul Cano Pangalangan (Philippines)

The Rome Statute outlines several considerations for a fully representative bench, including minimum criteria for geographic representation, gender balance, and representation of the principle legal systems of the world, not to mention expertise on specific and relevant legal issues. Additionally, criteria are set to ensure a balance between List A and List B judges.

These factors are taken into account through minimum voting requirements (MVR), which look at the criteria of the judges remaining on the bench. During the 2020 election, the following MVRs will be in place:

- One candidate from Eastern Europe
- Two candidates from Latin America and the Caribbean
- One candidate from Asia-Pacific
- One candidate from list A

- One candidate from list B
- One female candidate

Given the crucial role played by judges within the Rome Statute system, it is absolutely imperative that only the most highly-qualified candidates are nominated and elected. In this regard, the Coalition strongly opposes any reciprocal political agreement ('vote trading') in all ICC/ASP elections.

## **11. Cooperation**

Cooperation is an absolutely vital part of the international justice system set up by the Rome Statute. Cooperation must be multi-faceted to enable the effective execution of various ICC functions collectively geared at bringing those most responsible for core international crimes to justice. With no enforcement mechanism of its own, the ICC is largely dependent on the cooperation it receives from states, the United Nations, regional and other international organizations, and other relevant actors.

Part IX of the Rome Statute lays out the various ways in which states are to cooperate with the ICC. Without this support, international justice simply cannot work, which is why the Coalition closely monitors developments and initiatives of the Bureau and the ICC alike in areas of cooperation throughout the year leading up to the annual ASP session.

A plenary session on Cooperation has been scheduled for this year's ASP, which will be held on Thursday 5 December 2019, titled "[Inter-State and Inter-Institutional cooperation at the heart of cooperation challenges](#)" (as of 20 November).

### ***Cooperation Facilitation in 2019***

Over the course of 2019, discussions in The Hague Working Group on cooperation were facilitated by Ambassador Momar Guèye (Senegal). Upon the departure of Ambassador Philippe André Lalliot (France), Ambassador Luis Vassy (France) accepted to take over as co-facilitator on Cooperation.

In 2007, the Assembly had adopted 66 Recommendations on cooperation, an extensive list of key challenges and priorities for cooperation. In the years since, the ASP has narrowed the list to seven priority recommendations as most relevant to the Court's current cooperation demands.

### ***Shared Platform on Cooperation***

The co-facilitators on cooperation announced in 2019 its efforts to create a secure and shared platform on the ASP website, aimed at facilitating the exchange of information between states, and increasing states' capacities of cooperating with the Court.

### ***Arrest and Surrender***

The ICC relies entirely on national law enforcement systems to implement its orders, including arrests warrants, and there is an absolute urgency for ICC arrest warrants to be executed. Without arrests, ICC cases cannot proceed and the Court's purpose to deliver timely justice is defeated. The execution of arrest warrants requires strong political will and diplomatic pressure, which States Parties should look to exert during the 18<sup>th</sup> ASP session. Short of executing these warrants, states should commit to avoiding non-essential contact with persons who are subject to ICC arrest warrants.

At its 13<sup>th</sup> session, the Assembly had taken note of a report on arrest strategies submitted by the Rapporteur,



and had invited the Bureau to continue discussions on the topic with a view to submitting a consolidated draft Action Plan on arrest strategies for consideration by the Assembly. At its 14<sup>th</sup> and 15<sup>th</sup> sessions, the Assembly had taken note of the *Report on the draft Action Plan on Arrest Strategies* and had mandated the Bureau to continue consideration of the recommendations therein contained with a view to its adoption. Informal consultations have been carried out in 2017 and 2018.

The plenary session on cooperation of the 17<sup>th</sup> session of the ASP had a segment devoted to this issue.

### *ICC Arrests Campaign*

The November 2018 seminar on arrests also saw the launch of an ICC advocacy and social media campaign directed at raising awareness on arrests and the surrender of suspects to the Court. With 16 arrest warrants against 15 individuals outstanding, the campaign aims to highlight this crucial component of the cooperation framework. The Court's campaign includes creating and regularly updating a dedicated [website page](#) about suspects at large.

### *Voluntary Cooperation Agreements*

The Court routinely calls upon States Parties to supplement their explicit Rome Statute obligations with forms of voluntary cooperation, which prove crucial to the ICC's functioning as a fair and effective legal institution that gives effect not only to the rights of victims and witnesses, but also to those of the accused. Such voluntary cooperation can also take the form of bilateral framework agreements on the topics of witness relocation, interim and final release, and enforcement of sentences.

With framework agreements, states agree to engage with the Court to develop cooperative arrangements amenable to the requirements of both parties—before any specific ICC request for cooperation arrives. Such engagement also provides an opportunity for gradual domestic capacity-building, thus satisfying international human rights norms while leaving states the option to decline formal requests. Such agreements reduce burdens on not only the Court's activities, but also on its budget. The Court has also noted the value of Memoranda of Understanding between the ICC and international organizations, such as the UNODC, with respect to capacity-building to facilitate the envisioned forms of cooperation.

The Court has prepared model framework agreements to facilitate States Parties' capacities to accommodate ICC requests, when necessary, in relation to witness relocation and protection, hosting released persons (defendants), and enforcing ICC sentences. In 2017, the ICC Registry published an updated handbook outlining the framework agreements currently available, and clarifying misconceptions about any obligations they may create for States Parties: [https://www.icc-cpi.int/news/seminarBooks/Cooperation Agreements Eng.pdf](https://www.icc-cpi.int/news/seminarBooks/Cooperation%20Agreements%20Eng.pdf).

In 2019, the co-facilitators engaged in informal consultations with States that are considering signing an agreement with the Court.

As of November 2019, the following cooperation agreements have been concluded:

- 12 cooperation agreements on enforcement of sentence;
- 2 *ad hoc* enforcement of sentence agreements, with the Democratic Republic of the Congo;
- 21 witness relocation agreements;
- 1 agreement on release of persons, with Argentina;
- 2 interim release agreements, with Argentina and Belgium.

## 12. Non-cooperation

The lack of cooperation from states is one of the great challenges the Court faces in its work. In an effort to address this challenge, on 7 February 2019, the ASP Bureau appointed five New York-based non-cooperation focal points, one for each regional group, in accordance with the Assembly procedures on non-cooperation: Colombia, Croatia, Liechtenstein, the Republic of Korea, and Senegal.

The non-cooperation focal points actively engage with relevant stakeholders, including civil society, on issues related to non-cooperation, such as travel by persons subject to an ICC arrest warrant, as well as diplomatic actions taken by States Parties with respect to such travel. In 2016, the focal points developed a *Toolkit for the implementation of the informal dimension of the Assembly procedures relating to non-cooperation*, as a resource for States Parties to utilize when responding to potential instances of non-cooperation.

In 2018, the facilitation focused on updating the tool-kit, which was formalized at the 17<sup>th</sup> Session.<sup>3</sup> In 2019, the work of the Focal Points consisted mainly of raising awareness by States of the tool-kit, and the important considerations within it.

## 13. Efficiency and Effectiveness of Proceedings

Lengthy courtroom proceedings have long dogged international criminal tribunals, and the ICC is no exception. A measure of feet finding could be expected for the Court's first trials—but with growing demands on international justice, increased allegations of offences against the administration of justice, and restrictive policies on funding international institutions, significantly improving efficiency of proceedings has emerged as an urgent priority for the ICC.

However, any efficiency-minded efforts must simultaneously maintain the effectiveness of proceedings as the ICC looks to ensure timely justice for victims, uphold international standards for the accused, and bolster confidence in the Rome Statute system.

In the Study Group on Governance (SGG) - an ASP Bureau working group hosted throughout the year in The Hague which seeks to enable a structured dialogue between the Court and States Parties - states have as their key focus the strengthening of the institutional framework of the Rome Statute system. This focus includes not only the Court's independent initiatives with respect to improving the efficiency and effectiveness of its judicial activities, but also initiatives with similar aims but within the competence of States Parties. For its part, the Coalition has for years pressed for comprehensive, institution-wide reviews of the ICC's judicial processes.

In 2019, the SGG was co-chaired by Amb. Hiroshi Inomata (Japan) and Amb. María Teresa Infante Caffi (Chile), while Mr. Reinhard Hassenpflug (Germany), Ms. Edith Ngungu (Kenya) and Ms. Laura Victoria Sánchez (Colombia) served as focal points.

The SGG held two meetings in 2019, on 5 July 2019 and 17 October 2019. During the meetings, the Study Group discussed the Court's Performance Indicators, with presentations from the Presidency, Registry, and the OTP, and the judicial retreat which took place at the beginning of October 2019.

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<sup>3</sup>[https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP17/ICC-ASP-17-31-ENG.pdf#page=14](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-31-ENG.pdf#page=14).

The exercise of developing performance indicators is part of an ongoing ICC effort, at the request of the ASP in 2014, to “intensify its efforts to develop qualitative and quantitative indicators that would allow the Court to demonstrate better its achievements and needs, as well as allowing States Parties to assess the Court’s performance in a more strategic manner.”

So far, the Court has issued three reports on performance indicators: in 2015, 2016 and 2017.

In these reports, the Court identified four objectives of the Court’s performance to focus on as part of the exercise:

- Expedient, fair, and transparent ICC proceedings at every stage;
- Effective ICC leadership and management;
- Adequate security for ICC work, including protection for those at risk from involvement with the Court; and,
- Victims’ access to the Court.

On 17 July 2019 the ICC presented its Court-wide Strategic Plan 2019-2021. The Strategic Plan includes an analysis of the Court’s performance, including (i) dealing with a high and increasing number of situations; (ii) a volatile operating environment; (iii) cooperation and political support; (iv) resources; (v) internal governance; (vi) external oversight; and (vii) universality.

Similarly, the Strategic plan outlines the ICC strategic goals in relation to (i) judicial and prosecutorial performance; (ii) cooperation and complementarity; and (iii) the organizational performance.

In an effort to streamline the strategic planning of the organs of the Court, the Office of the Prosecutor and - for the first time - the Registry have developed their respective strategic plans for the period 2019-2021.

On 3-4 October 2019, ICC judges held a retreat to discuss the efficiency and functioning of the judiciary. As a result of the retreat, the judges adopted the “Guidelines for ICC Judgement Drafting” and “Guidelines for ICC Judgement Structure”, which aim to establish a clear approach on the structure and the drafting process for judgements on convictions and acquittals rendered by the Court, time limits for the issuance of key judicial decisions at the pre-trial, trial and appeals stages; time limits for the delivery of a decision to authorize an investigation; and time limits for the delivery of a decision on sentencing.

The ICC Presidency further briefed the SGG on their discussions on the management of transitions in the judiciary during the retreat. A report on the results of the retreat will be finalized by the 18th session of the ASP.

### ***Victims’ participation in ICC proceedings***

The SGG was also briefed by the ICC Presidency on issues related to victims. The ICC Presidency highlighted the importance of victims’ participation to the Court, and noted that they are working on having measurable time-bound objectives to enhance victims’ participation in ICC proceedings. The Presidency also noted that the 2019-2021 Strategic Plans of the ICC organs devote attention to victims’ issues under three themes:

- Protection and wellbeing of victims and witnesses;
- Participation and reparation of victims;
- Communication and managing the expectations of victims.

## 14. Victims' participation and reparations

Victims of grave crimes are at the very center of the Rome Statute, and are the main reason behind the establishment of the Court. The Statute empowers victims of war crimes, crimes against humanity, and genocide to hold their persecutors to account and live with hope, dignity and respect.

The creation of a system of retributive and restorative justice that recognizes victims as its ultimate beneficiaries is largely due to the tireless efforts of civil society organizations prior to and during the Rome Conference. Victims can—through a Court or self-appointed legal representative—present their views and concerns during proceedings before the ICC. (See Chapter 13 for details on discussions in 2019 regarding victims' participation in ICC proceedings).

The Rome Statute also established victims' rights to seek and receive reparations. Reparations are not limited to monetary compensation; they can come in many forms, including rehabilitation. Reparations are decided by the Court's judges and – when ordered by the judges – administered by the Trust Fund for Victims (TFV).

The Trust Fund for Victims operates under the guidance of the TFV Board of Directors (TFV Board), whose decisions are implemented by the TFV Secretariat. The TFV has a two-fold mandate: (i) to implement Court-Ordered reparations and (ii) to provide physical, psychological, and material support to victims and their families. Both mandates require voluntary contributions for adequate financing.

### Reparations

The Trust Fund's reparations mandate is related to specific judicial proceedings before the Court that result in a conviction. Resources are collected through fines or forfeiture and awards for reparations, and complemented with "other resources of the Trust Fund" if the TFV Board so determines.

Three cases before the Court are currently in the reparations phase, ranging from draft implementation plan (*Al Mahdi* in the situation in Mali) to implementation phase (*Lubanga* and *Katanga* in the situation in the Democratic Republic of Congo). Each of the three cases now at the reparations stage involve different crimes, which have resulted in diverse and distinct harms to the victims and their families. Reparations proceedings are expected to begin in *Ntaganda*, following Mr. Bosco Ntaganda's conviction in July 2019.

In partnership with the Court, the Trust Fund's task is now to ensure that the design of awards for reparations are responsive to the specific harms suffered by victims in each case as found by the respective Trial Chambers, and that, through their efficient and timely implementation, the promise of reparations can become a concrete and meaningful reality for victims, setting them on a path to healing and positive reintegration within their families and communities.

Faced with these developments, for 2020, the Fund had requested an amount of €3,333.0 thousand, which represents an increase of €202.7 thousand (6.5%) against the amount of €3,130.3 thousand that was approved in the 2019 budget, in order to meet its rapidly expanding and intensifying responsibilities during the implementation phase of reparations proceedings. The Committee on Budget and Finance, however, recommended reductions in the amount of €106.9 thousand in Major Program VI from its originally proposed budget. The Committee accordingly recommended that the Assembly approve a total amount of €3,226.1 thousand for the TFV (See Chapter 18 for further details on the Court's Proposed 2020 Budget and the CBF's related recommendations).

## 15. ICC Policy on Legal Aid

In 2016, at its 15<sup>th</sup> session, the ASP had requested that the Court reassess the efficiency of the legal aid system to “uphold and strengthen the principles of the legal aid system, namely fair trial, objectivity, transparency, economy, continuity and flexibility.”<sup>4</sup> For this aim, the Registry engaged the services of Mr. Richard Rodger, an independent expert who undertook an assessment of and reported on the Court’s Legal Aid System. The Report analyses the active legal aid system at the ICC and compares it to the systems utilized by other courts. It highlighted that the present scheme does not provide appropriate remuneration to counsel, and identified the areas where improvements can be made.

Following this report, in early 2019, the Counsel Support Section (CSS) and the Division of Judicial Services (DJS) organized some discussions with interested parties and civil society, aimed at finalizing a new ICC legal aid policy (LAP). The amendment proposal to the “Draft Legal aid policy of the International Criminal Court” was finalized in July 2019.

Additional consultations on the reform of the ICC legal aid system and on the draft LAP were carried out in the context of the facilitation on Legal Aid, led by Ambassador Sabine Nölke (Canada).

After conducting consultations with the Registry, States Parties and civil society, the facilitator was of the opinion that, in its current form, the proposed draft was not ready for the consideration of the Assembly during its 18<sup>th</sup> session, due to the many unresolved issues, and, in the Draft Report on Legal Aid, recommended to the Assembly to mandate further consultations on the policy.

Civil society, and coalition members involved in the discussions indicated topics that would need further discussion, in particular the remuneration of counsel and team members (including taxation, diminished compensation for multiple cases and for periods of reduced activity); employment insecurity; vulnerability of junior counsel and support staff; gender issues; the budget for defense investigations; and the Field budget for victims teams.

## 16. Universality of the Rome Statute

Worldwide ratification of the Rome Statute is necessary to achieve an international criminal justice system that eradicates the existence of any safe havens for individuals who commit the worst crimes known to humankind. The ICC is actively striving towards ending impunity by holding the perpetrators of the gravest international crimes accountable.

For the ICC to be truly successful, universal membership is an integral component. By joining the ICC, states can give the Court a global reach, thereby increasing victims’ access to justice. Through membership, states can also work to improve the efficiency and effectiveness of international justice, put forward candidates for election as ICC and ASP officials; and propose amendments to core ICC texts.

Equally important is the full and effective implementation of the complementarity and cooperation provisions of the Rome Statute into national legal frameworks. This enables states to have the necessary legal framework

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<sup>4</sup> ICC-ASP/15/Res.5, para. 64.

through which to pursue investigations and prosecutions of RS crimes at the national level. It also allows for more effective support and cooperation with the Court, particularly in areas such as execution of arrest warrants and surrender, and in permitting investigation and the collection of evidence in the territory of states where international crimes are alleged to have been committed. Implementation of the RS also enables a modernization of national legal systems, as many RS provisions are progressive and forward-looking, for example on victims' participation and on sexual and gender-based violence. Lastly, through implementation, states can adopt even stronger provisions at a national level, building on the Rome Statute provisions but incorporating higher standards domestically (i.e. some states have criminalized recruitment, enlisting and use of child soldiers when that child is under 18 years old, to name one example).

At its fifth session in 2006, the Assembly of States Parties adopted the *"Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court."* The Plan of Action calls upon States Parties to proactively make use of the political, financial, and technical means at their disposal to promote the universality and full implementation of the Rome Statute, through bilateral, regional, and multilateral relationships. It also calls on the Secretariat of the ASP to support States in their efforts to promote universality and full implementation of the Statute by acting as a focal point for information exchange. The Plan also calls on States to annually provide the Secretariat of the ASP with information about actions they have undertaken to promote the ratification and full implementation of the Rome Statute; as of 12 November 2019, only three states have responded to the 2019 request: Benin, South Africa and Uruguay.

The Report of the Bureau on the *Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court* is available [here](#).

Recommendations on promoting universality in 2020 will be included in the *omnibus* resolution for adoption at ASP18.

### **Recent developments**

On 17 March 2018, the government of the Philippines notified the UN Treaty Office of its intent to withdraw from the Rome Statute. The withdrawal came into effect one year after the deposit of notice, on 17 March 2019, at which time the number of States Parties reduced to 122. On 8 February 2018, the ICC's Office of the Prosecutor had announced it would conduct a preliminary examination of the situation in the Philippines. A withdrawal has no impact on on-going proceedings or on any matter which was already under consideration by the Court prior to the date on which the withdrawal becomes effective; nor on the status of any Judge already serving at the Court. ICC Judge Raul Cano Pangalangan, elected on 24 June 2015, is a national of the Philippines.

Following a vote in favor of accession by the Malaysian Cabinet, on 4 March 2019 Malaysia acceded to the Rome Statute, and was set to become its 123<sup>rd</sup> State Party once accession came into force. However, barely one month later, on 5 April 2019, the Prime Minister of Malaysia announced his government's intent to backtrack on its decision and withdraw from the Rome Statute, which was formally confirmed by the UN on 29 April (because the treaty was set to enter into force in June 2019, Malaysia technically did not withdraw but, rather, withdrew its instrument of accession). Malaysia's decision to backtrack on accession constitutes a step back in its commitment to an international rules-based order and the fight against impunity for heinous crimes.

On 26 November 2019, Kiribati deposited its instrument of accession to the Rome Statute, set to become its 123<sup>rd</sup> State Party, once accession comes into force on 1<sup>st</sup> February 2020 (the first day of the month after the 60th day following the date of the deposit of the accession instrument).

## 17. Complementarity

Under the principle of complementarity, the Rome Statute’s guiding pillar, States Parties have a duty to investigate and prosecute all Rome Statute crimes that occur within their respective jurisdictions, and should thus take on the primary role in the enforcement of the Rome Statute at the national level. In the event that a State Party is unable or unwilling to hold perpetrators of international crimes to account, the ICC will decide whether to investigate and prosecute—and thereby fill the impunity gap.

The ICC recognizes that a lack of either capacity or political will may be responsible for a failure to genuinely investigate and prosecute international crimes in national courts. Even then, the ICC only assumes responsibility for the prosecution of those most responsible for the gravest crimes, leaving national jurisdictions an important role to play in addressing additional, including lower level, alleged offenders. Therefore, stronger domestic jurisdictions will contribute to the fight against impunity. As such, during the 16<sup>th</sup> ASP session in 2017, States Parties decided that in 2018 they would “*continue the dialogue with the Court and other stakeholders on complementarity, including on complementarity related capacity-building activities by the international community to assist national jurisdictions, on possible situation-specific completion strategies of the Court and the role of partnerships with national authorities and other actors in this regard, and also including to assist on issues such as witness protection and sexual and gender-based crimes*”.

On 7 February 2019, the Bureau re-appointed Australia and Romania as *ad country* co-focal points on complementarity to facilitate the discussions in The Hague, New York, and elsewhere.

### *Discussions on complementarity in 2019*

While the principle of complementarity, as enshrined in the Rome Statute, deals with the ICC’s role as a Court-of-last-resort after national jurisdictions prove unable or unwilling to investigate and prosecute core international crimes, “positive complementarity” more specifically refers to domestic capacity-building in regards to such investigations and prosecutions.

Consultations between States Parties, the Court, civil society, and other actors regarding complementarity have highlighted differences in understanding of what complementarity means in practice for the Court, the ASP, and national systems – considering mandate limitations as well as challenges with funding, coordination, and political will.

The *ad country* co-focal points noted that the ASP’s role in this regard is to continue to develop its efforts in facilitating the exchange of information between the Court, States Parties and other stakeholders aimed at strengthening domestic jurisdictions.

In 2019, a number of meetings on the issue of complementarity were held with relevant stakeholders, including States, all organs of the Court, as well as with representatives of civil society and international organizations. The efforts centered on how States retain primary responsibility to exercise their criminal jurisdiction over the crimes set out in the Statute; Article 18 of the Rome Statute (preliminary rulings regarding admissibility); and efforts by domestic, regional and international jurisdictions to investigate or prosecute Rome Statute crimes.

Discussions carried out in the context of the Hague Working Group facilitation on complementarity in 2019 focused on the effective domestic implementation of the Rome Statute to enhance the capacity of national

jurisdictions to prosecute the perpetrators of the most serious crimes of international concern. In particular, discussions among States Parties focused on Article 17 of the Rome Statute and issues of admissibility, Completions Strategies, and on various activities undertaken by the OTP in this regard. The particular relationship between complementarity and completion strategies was highlighted by the Office.

On 22 March 2019, the ASP Secretariat shared with States Parties a “Complementarity Platform for technical assistance”, aimed at facilitating links between States Parties requesting technical assistance with actors that may be able to assist national jurisdictions in their efforts to strengthen the capacity to investigate or prosecute Rome Statute crimes. The ASP Secretariat has made public that the requests received have been many, related to a broad range of areas, including capacity building, victims and witness protection, psychological support, security support, gathering of evidence, capacity building for prosecution staff, and administrative justice modernization.

The 2019 Bureau Report on Complementarity will be presented at the 18<sup>th</sup> session of the ASP.

## 18. The Court’s 2020 Budget

In order to fund most of the Court’s activities and Major Programs, States Parties to the Rome Statute must each pay a yearly contribution proportionate to their gross national incomes.

The ICC Registrar coordinates the drafting of the Court’s overall budget request during the year leading up to the 2<sup>nd</sup> semester session of the ASP’s Committee on Budget and Finance (CBF), which then makes recommendations on the proposed budget for the ASP to consider during its annual session.

During 2019, States Parties considered budgetary matters within the ASP Bureau’s Working Group on the Budget, facilitated by Ambassador Marlene Bonnici (Malta). A sub-facilitation on Budget Management and Oversight led by Ambassador Annika Markovic (Sweden) continued, as did discussions on the ICC premises under Ms. Marija Stajic-Radivojsa (Serbia).

While the Coalition does not take a position on the specific amount of resources to allocate to the ICC in any given year, it urges States to treat the CBF review and recommendations as the bare minimum approach in their 2020 budget discussions during ASP18. States Parties should oppose arbitrarily limiting the Court’s 2020 budget, which would undermine the ability of the ICC to deliver fair, effective, and efficient justice. A lack of resources is a severe impediment to the optimal functioning of the Court.

### 2020 Court Budget Proposal

The ASP will consider the following figures at their annual session this year:

Proposed 2020 ICC budget: €146.94 million

*[Proposed increase above approved 2019 ICC budget: €2.39 million (1.7%)]*

Host State loan 2018 interest and installments: €3.585 million

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### **Total ICC budget request: €150.524million**

The figures are reflected in the ICC 2020 Proposed Program Budget (PPB).

For 2020, the ICC is requesting a budget which is higher than the one approved by the ASP during its 17<sup>th</sup> session in 2018, but lower than the budget that the Court requested in its 2019 PPB.



Some of the factors mentioned by the Court as affecting the budget increase in relation to the 2019 approved budget are (i) recent adjustments to the United Nations Common System (UNCS) (€2.4 million);<sup>5</sup> and (ii) the need to implement capital replacements for the maintenance of the Court’s premises (€1.3 million).

According to the PPB, without considering the latter factors, the 2020 PPB represents a real reduction of around €1.3 million “in the Court’s required capacity to implement its mandate in line with anticipated priorities, assumptions and parameters”.<sup>6</sup>

The 2020 PPB proposes a budget decrease for the Judiciary, the Registry and the ASP Secretariat. On the other hand, it suggests a budget increase for the Office of The Prosecutor, the Trust Fund for Victims, the Independent Oversight Mechanism and the Office of Internal Audit (OIA).

Accordingly, with the exception of the budget proposed for the Permanent Premises, the IOM and the OIA, the 2020 proposed budget for all Major Programs is lower than the requested budget for the same Major Programs in the 2019 PPB.

Furthermore, the 2020 PPB highlights how a zero nominal growth policy negatively impacts the Court’s ability to realize its mandate. The PPB explains that while some of the organs have followed a “flexible approach to resource allocation”, the Court needs additional resources to effectively conduct its activities.

The Coalition consistently calls for the Court and the CBF to support an efficient, needs-based ICC budget that allows the Court to effectively execute its mandate.

### *Committee on Budget and Finance recommendations*

To prepare its final recommendations to the ASP, the CBF—a technical expert body of the ASP tasked with evaluating and making recommendations on the unique budgetary needs of the ICC—considers various prosecutorial, judicial, and organizational requirements, as well as the Court’s obligations to defendants and victims, during its bi-annual meetings. After assessing the Court’s 2020 budget proposal, the CBF recommended the following figures for the ASP to consider at their 18<sup>th</sup> session (*excluding Host State Loan*):

**CBF recommended 2020 ICC budget: €145.72 million**

*Recommended reduction to Court’s 2020 budget request: €1.446million*

*Recommended increase to approved 2019 ICC budget: €943,000 (0.81%)*

In its report, the CBF reiterated that one of the most pressing issues for the Court is the liquidity shortfall. The committee expressed concern about the potential for the impact of the shortfall to be felt as early as December 2019. The CBF reviewed the requests for reclassification of ICC staff positions put forward for 2020, and recommended nine out of twelve requests for reclassifications to be approved by the Assembly. However, the Committee recommended that no new requests for reclassification should be submitted by the Court until the new review of the Administrative Instruction (AI) is finalized. The CBF also took note of the significant ICC developments impacting the Trust Fund for Victims, particularly as regards reparations (*See Chapter 14 for further details on reparations in 2019*).

The CBF’s resulting recommendations for funding the Court’s Major Programs in 2020 were as follows:

- Major Program I – Judiciary: €12.1 million (*a decrease of 0.2% from the Approved 2019 Program Budget*)

<sup>5</sup> According to the PPB, the UNCS revised and increased the salaries for professional posts by around 1.8%.

<sup>6</sup>PPB, para. 7

(APB));

- Major Program II – Office of the Prosecutor: €47.4 million (an increase of 1.2% from the 2019 APB);
- Major Program III – Registry: €76.2million (a decrease of 0.7% from the 2019 APB);
- Major Program IV – Secretariat of the ASP: €2.8 million (a decrease of 0.2% from the 2019 APB)
- Major Program V – Premises: €2.7million (an increase of 54.2% from the 2019 APB)
- Major Program VI – Secretariat of the Trust Fund for Victims: €3.2million (an increase of 3.1% from the 2019 APB).
- Major Program VII-5 – Independent Oversight Mechanism: €551.9thousand (an increase of 3.9% from the 2019 APB).
- Major Program VII-6 – Office of Internal Audit: €721.2 thousand (an increase of 5.2% from the 2019 APB).

Major Program	Approved 2019 budget (thousands of Euros)	Proposed 2020 budget (thousands of Euros)	CBF recommended 2020 budget (thousands of Euros)
I: Judiciary	12,107.6	12,094.8	12,081.5
II: OTP	46,802.5	47,936.3	47,383.4
III: Registry	76,651.2	76,145.5	76,147.6
IV: ASP Secretariat	2,841.7	2,837.0	2,837.0
V: Premises	1,800.0	3,088.1	2,775.0
VI: TFV Secretariat	3,130.3	3,333.0	3,226.1
VII - 5: IOM	531.1	783.8	551.9
VII – 6: OIA	685.6	721.2	721.2
Subtotal	144,550.0	146,939.7	145,493.0
VII – 2: Host State Loan	3,585.1	3,585.1	3,585.1
<b>Total Court</b>	<b>148,135.1</b>	<b>150,524.8</b>	<b>149,308.8</b>

### *States Parties in arrears*

When States Parties are in arrears, or have not yet paid their assessed contributions, the Court cannot access the entirety of the budget allocated to it by the ASP. The ASP discusses this issue in a dedicated New York Working Group facilitation, currently led by Mr. Nore Alam (Bangladesh).

According to the CBF, €13.05 million of assessed contributions in 2018 (8.9%) remained outstanding as of 31 August 2019. The CBF further noted that still outstanding contributions from previous years stood at €19.85million for a total of €37.97 million.

According to RS Article 112(8), “a State Party which is in arrears in the payment of its financial contributions toward 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.” According to the CBF, as of August 2019, 13 States Parties were in arrears and therefore ineligible to vote at ASP 18.<sup>7</sup>

<sup>7</sup> The 13 states in arrears as of August 2019: Antigua and Barbuda, Central African Republic (CAR), Chad, Comoros, Congo, Djibouti, Dominican Republic, Liberia, Marshall Islands, Niger, Venezuela (Bolivarian Republic of), Zambia.

## 19. UN - ICC Relationship

### *The UN Security Council and the ICC*

The UN Security Council (UNSC) has the power to refer situations to the ICC that represent a threat to international peace and security for the purposes of investigation and possibly prosecution, irrespective of whether the state in question is party to the Rome Statute. To date, the UNSC has referred the situations in Darfur, Sudan (2005) and Libya (2011) to the Court. In order to keep the UNSC abreast of the situations it refers, the Prosecutor briefs the Council on the status of both referral cases periodically throughout the year.

The UNSC also has the power to defer ICC investigations for up to one year at a time if it believes a deferral is in the interest of international peace and security.

Article 3 of the Relationship Agreement between the International Criminal Court and the United Nations establishes a reciprocal obligation of cooperation between the bodies. However, to the detriment of international justice, the UNSC has consistently failed to provide the requisite cooperation or financial support to ensure effective ICC investigations and prosecutions arising from its referrals. Certain provisions in UNSC referrals have undermined the ICC's ability to serve impartial justice, such as the explicit exclusion of nationals of non-States Parties from the Court's jurisdiction (with the exception of nationals from the actual state where the situation is referred).

The ICC cannot investigate suspected atrocity crimes in situations involving non-States Parties (and where the alleged perpetrators are not nationals from a State Party) in the absence of a UNSC referral. This is an increasingly pressing issue in light of the well-documented mass human rights violations occurring in many places around the world where the ICC does not have jurisdiction.

The five permanent members of the UNSC—China, France, Russia, the United Kingdom, and the United States—may each veto any resolution that comes before them. In May 2014, despite the support of over 60 UN Member States and hundreds of civil society groups, Russia and China vetoed a resolution to refer widespread atrocities in Syria to the ICC—the first time a referral resolution had failed. This political selectivity towards accountability on the part of UNSC members results in uneven access to justice for victims of grave crimes worldwide, and undermines the credibility of both the Council and ICC.

To address this incoherence, two separate initiatives have been proposed aiming to restrain UNSC members' use of the veto when dealing with situations of genocide, war crimes, or crimes against humanity:

The ACT (Accountability, Coherence, Transparency) Group established a Code of Conduct<sup>8</sup> in 2015, in which states pledge to support action in the UNSC with the goal of preventing or ending the commission of genocide, crimes against humanity and war crimes, including supporting credible draft resolutions and calling on the Secretary General to continue to use the full expertise and early-warning capacities of the UN system. As of September 2019, 120 states have signed on to the initiative, including two permanent members, France and the UK. The Code is not restricted to elected or permanent members of the Council, and instead calls on all UN Member States to uphold the principles of the UN Charter by supporting the work of the UNSC to maintain international peace and security.

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<sup>8</sup> "Explanatory Note on a Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes." 2015.

<http://www.centerforunreform.org/sites/default/files/Final%202015-09-01%20SC%20Code%20of%20Conduct%20Atrocity.pdf>

Similarly, the France-Mexico initiative calls on the permanent five members of the Council to voluntarily refrain from using the veto in situations of mass atrocity.<sup>9</sup> The initiative has garnered the support of 102 Member States as of August 2019.

While the Coalition as a whole does not take positions on the referral of specific situations to the Court, it calls on the five permanent members of the UNSC to refrain from using the veto when dealing with mass atrocities and to:

- Back up ICC referrals with effective cooperation, such as by arresting suspects;
- Encourage funding of ICC referrals through the UN system;
- Not exclude any (group of) nationals of non-States Parties from the Court’s jurisdiction in referrals; and,
- Engage in constructive dialogue with the Court.

### ***The UN General Assembly and the ICC***

Each year, the Court reports on its activities to the UN General Assembly, with the President of the Court presenting the report to UN Member States in a plenary session. The UNGA drafts a resolution welcoming the report and its contents, and takes note of the ongoing relationship between the UN and the ICC, often with the support needed to adopt the resolution by consensus. Many states use the opportunity presented by this plenary session to reiterate their support for the Court, and highlight the need for continued and effective cooperation between the ICC and the organs of the UN.

As the Court faces ongoing threats, further emboldening its opponents, the 2019 UNGA plenary session on the ICC, held on 4 November, provided a unique forum for States Parties to articulate their robust support for the Court in an open and public format.

The UNGA resolution on the Report of the ICC<sup>10</sup>, a technical update from the previous year, was adopted by consensus with 69 states co-sponsoring the resolution, and just five states disassociating from consensus: the Philippines, Russia, Myanmar, Syria, and the United States.

## **20. Amendments**

The ICC's legal texts, such as the Rome Statute, the Rules of Procedures and Evidence, and the Regulations of the Court, may be subject to amendments. Amendments are a vital part of the Rome Statute and legal codes and rules more generally, allowing documents to remain relevant in changing times and contexts.

For the Rome Statute, any State Party may propose an amendment. The proposed amendment can be adopted by a two-thirds majority vote in either a session of the Assembly of States Parties or at a review conference. An amendment comes into force for all States Parties one year after it is ratified by seven-eighths of the States Parties. A different procedure is in place for amendments to the Articles dealing with the core crimes of the Rome Statute.

### ***Working Group on Amendments in 2019***

The ASP's Working Group on Amendments (WGA) chaired by Ambassador Juan Sandoval Mendiola (Mexico) and meeting in New York aims to achieve greater clarity on both the substantive views of the amendment proposals at hand and on the procedure to be followed in dealing with amendment proposals. It also prepares

<sup>9</sup>“Political statement on the suspension of the veto in case of mass atrocities - Presented by France and Mexico.” 2015.

<sup>10</sup> “Resolution adopted by the General Assembly on 4 November 2019” A/RES/74/6 <https://undocs.org/A/RES/74/6>

to inform the ASP in considering the amendments during its annual session. Sessions of the WGA are closed to civil society and observer states unless otherwise indicated. Nonetheless, the Chair of the group gives regular updates to the NYWG on the progress of discussions.

The work of the WGA in 2019 covered several issues:

- Increasing the number of ratifications to the amendments to Article 8, as well as to continue the discussion on the fourth crime, the use of antipersonnel mines. Belgium agreed to keep the issue on the table, but to halt discussions for the time being, in deference to the Swiss proposal;<sup>11</sup>
- Several years ago, Mexico submitted a proposal to the WGA on criminalizing the use of nuclear weapons in the Rome Statute. As was the case in recent years, discussions on this issue were on the table, but postponed. In 2018, Switzerland submitted a proposal to include starvation as a war crime in non-international armed conflicts (NIAC) under Article 8. During the negotiation process in 1998, the draft Statute included starvation in NIAC, but it was not included in the final draft that was adopted. Discussions in the WGA in 2019 focused very closely on the Swiss proposal.

As it stands, the Statute criminalizes the use of starvation as a war crime only in the case of international armed conflicts (IAC). Where the paragraph criminalizing starvation as a war crime, Article 8(b)xxv, refers to the Geneva Conventions, the language contained in the Swiss proposal instead uses customary International Humanitarian Law as its legal basis for inclusion in the Statute.

Discussions in the WGA in 2019 included the issue of “fragmentation” of the Rome Statute, with some concerns raised about the proliferation of amendments negatively impacting the stability of the document.

On 28 August 2019, in accordance with Article 121(1) of the Rome Statute, Switzerland submitted their amendment proposal to Article 8 to the UN Secretary General.<sup>12</sup>

The amendment proposal will be considered this year at the 18<sup>th</sup> Session of the ASP. Pursuant to Article 121(3) of the Rome Statute, in order to adopt the amendment, it would be required that two-thirds of States Parties vote in favor of it.

## **21. Independent Oversight Mechanism**

The Independent Oversight Mechanism (IOM), was established by the Assembly at its 8<sup>th</sup> session in November 2009 (ICC-ASP/8/Res.1) in accordance with Articles 112(4) of the Rome Statute. The operational mandate of the IOM was set out by the Assembly at its 12<sup>th</sup> meeting in November 2013 (ICC-ASP/12/Res. 6) which established a clear scope of the IOM’s investigative and discretionary authority.

The purpose of the IOM is to provide meaningful oversight of the Court through its mandate to conduct inspections and evaluations at the request of the Assembly or its Bureau, and to undertake investigations at its own discretion into reports received of suspected misconduct, serious misconduct, or unsatisfactory behavior concerning elected officials, staff members, and other Court personnel.

During 2019, the IOM conducted an evaluation of the administration of the Secretariat of the Trust Fund for

<sup>11</sup>*During the 16<sup>th</sup> session of the Assembly, States Parties adopted three amendments to Article 8 ('War Crimes') of the Rome Statute by consensus: the use of microbial, biological or toxins weapons; the use of weapons that injure by fragments undetectable by X-rays; and the use of laser-blinding weapons. The original Belgian proposal included four war crimes amendments. During negotiations, the fourth proposed amendment, the use of antipersonnel mines, fell through, and the Assembly moved forward to adopt the remaining three*

<sup>12</sup><https://treaties.un.org/doc/Publication/CN/2019/CN.399.2019-Eng.pdf>

Victims. This assessment was requested by the Assembly in its 17th session with the purpose of improving the functioning of the Trust Fund.<sup>13</sup>In this connection, consultations have taken place with the Vice-President of the Assembly, H.E. Ambassador Jens-Otto Horslund, with the previous facilitator for the budget, the Chair of the Board of Directors of the TFV, the Registrar, and the Executive Director of the Secretariat of the Trust Fund for Victims.

On 17 September 2019, during the 8<sup>th</sup> meeting of the Bureau of the ASP, the IOM Head reported that the IOM had completed all the 2018 investigations and was now dealing with 2019 investigations. In addition, he noted that cases related to the Registry had mostly been completed.

## 22. The Omnibus Resolution

At each of its sessions since 2003, the Assembly of States Parties has adopted an omnibus resolution, formally entitled, “Strengthening the International Criminal Court and the Assembly of States Parties.” The omnibus resolution addresses a wide range of substantive, practical, and policy issues in relation to the Court, the ASP, and other stakeholders.

The ASP will adopt an updated version of the omnibus resolution this year, following consultations in the NYWG chaired by facilitator Mr. Vincent Rittener (Switzerland). The facilitations in NYWG and HWG also inform the text of the omnibus, with reports from the various facilitations containing suggested language for inclusion in the resolution.

### *Omnibus topics and related facilitations and focal points*

A number of other topics will be addressed in the 2019 omnibus resolution. The below list of topics indicates those that have already been discussed in ASP Bureau facilitations in the lead-up to the 18<sup>th</sup> ASP session. The omnibus resolution will include the date of the next ASP session as well as the mandates of the ASP Bureau for 2020. The Bureau will then meet at the beginning of next year to appoint the facilitators and focal points for the approved topics.

- **Universality and full implementation of the Rome Statute**  
*Ad country co-focal points: The Netherlands and the Republic of Korea*
- **Agreement on Privileges and Immunities of the ICC (APIC)**
- **Cooperation**  
*Co-facilitation (HWG): Ambassador Luis Vassy (France) and Ambassador Momar Gueye (Senegal)*
- **Host State**
- **Relationship with the United Nations**
- **Relationships with other international organizations and bodies**
- **Activities of the Court**
- **Elections(*Review of the procedure for the nomination and election of judges*)**  
*Facilitation: Mr Luke Roughton (New Zealand)*
- **Secretariat of the Assembly of States Parties**
- **Counsel**
- **Legal Aid**
- **Study Group on Governance (SGG)**  
*Co-facilitation (HWG): Ambassador Hiroshi Inomata (Japan) and Ambassador María Teresa Infante*

<sup>13</sup>Resolution ICC-ASP/17/Res.4, Section L, para. 7

*Caffi (Chile)*

**Focal Points:** *Mr Reinhard Hassenpflug (Germany), Ms Edith Ngungu (Kenya) and Ms Laura Victoria Sanchez (Colombia).*

- **Proceedings of the Court**
- **Working Methods Review**
- **Victims and Affected Communities, Reparations and Trust Fund for Victims**
- **Recruitment of Staff (*Geographical Representation and Gender Balance of Staff at the Court*)**  
*Facilitation (NYWG): Ms Kristina Pelkiö (Czech Republic)*
- **Complementarity**  
*Ad country co-focal points (HWG): Mr Jarrod Jolly(Australia) and Ms Raluca Karassi-Rădulescu (Romania)*
- **Independent Oversight Mechanism**
- **Programmed Budget**  
*Facilitation: Ambassador Marlene Bonnici (Malta)*
- **Consideration of Amendments (*Working Group on Amendments*)**  
*Facilitation (NYWG): Ambassador Juan Sandoval Mendiolea (Mexico)*
- **Participation in the Assembly of States Parties**

### 23. Acronyms and Key Terms

ACN	Advisory Committee on the Nomination of Judges
APB	Approved Program Budget
ASP	Assembly of States Parties
ASP18	The 2018 session of the ASP
AU	African Union
BoD	Board of Directors
ASP Bureau	The President, Vice-Presidents, and Rapporteur, along with 18 States Parties
CBF	Committee on Budget and Finance
CICC/Coalition	Coalition for the International Criminal Court
CSS	Counsel Support Section
DJS	Division of Judicial Services
EU	European Union
GRULAC	Latin America and Caribbean Group
HWG/THWG	The ASP Bureau’s Hague Working Group
IAC	International armed conflict

IOM	Independent Oversight Mechanism
MENA	Middle East and North Africa Region
NIAC	Non-international armed conflict
NGO	Non-Governmental Organization
NYWG	New York Working Group
OAS	Organization of American States
OP	Operative Paragraphs of a Resolution
OTP	Office of the Prosecutor
Omnibus Resolution	An ASP resolution formally entitled, “ <i>Strengthening the International Criminal Court and the Assembly of States Parties</i> ”
PE	Preliminary Examination
PP	Preambular Paragraphs of a Resolution
Plenary	General discussions at the ASP with all States Parties attending
ICC Presidency	President: Judge Chile Eboe-Osuji (Nigeria); First Vice-President: Judge Robert Fremr (Czech Republic); Second Vice-President: Judge Marc Perrin de Brichambaut (France)
RPE	Rules of Procedure and Evidence
SASP	Secretariat of the ASP
SGD	Sustainable Development Goals
Statute/RS	Rome Statute, founding document of the ICC and the legislation that states must ratify to become members of the ASP and to the ICC
SGBV/SGBC	Sexual and Gender-Based Violence/ Sexual and Gender-Based Crimes
SGG/Study Group	Study Group on Governance
TFV	Trust Fund for Victims
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSG	United Nations Secretary General
VWU	Victims and Witnesses Unit (of the ICC’s Registry)





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