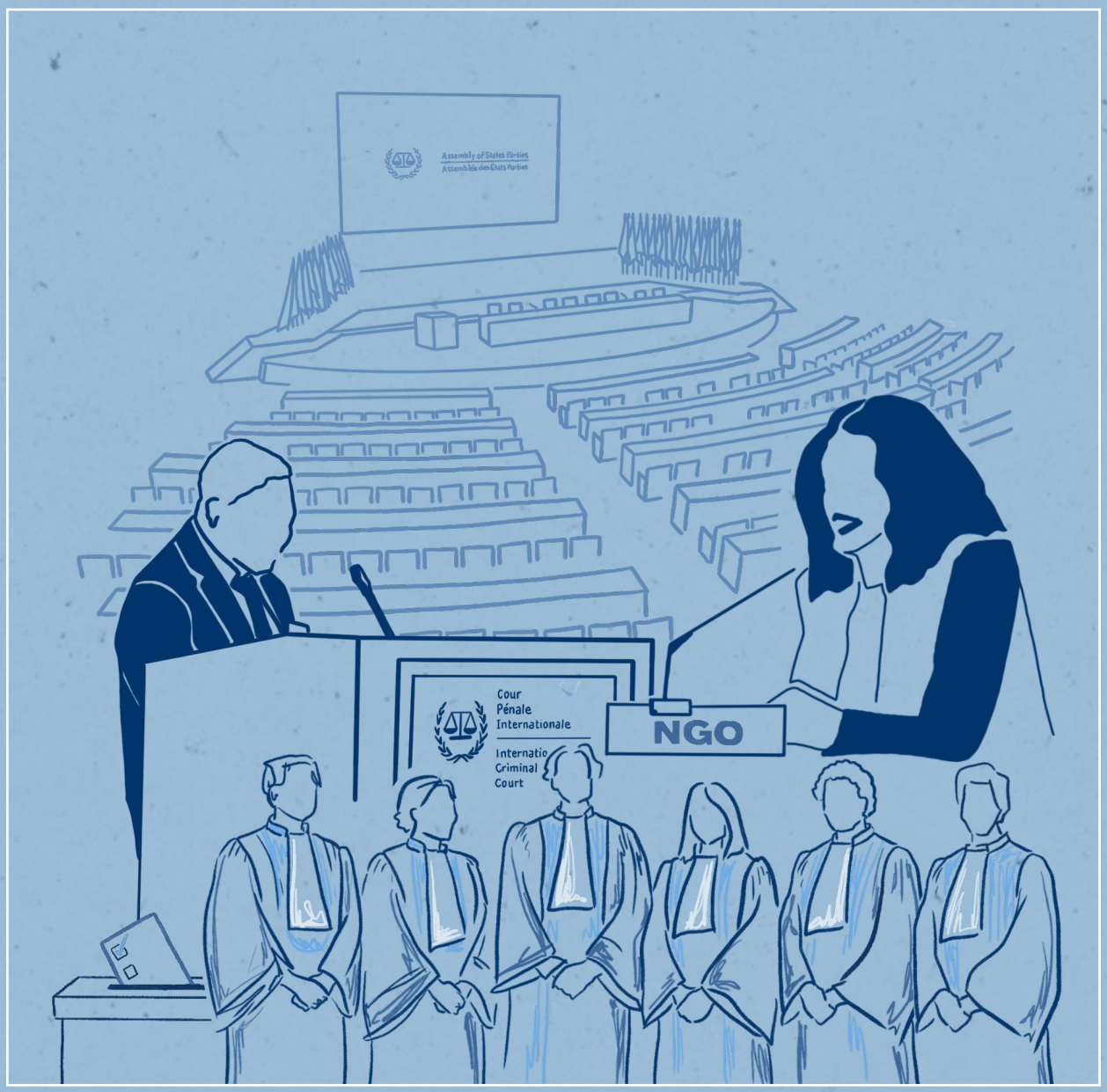
BACKGROUND DOCUMENT

25th Session of the ICC Assembly of States Parties

30 November - 7 December 2026
The Hague, The Netherlands



COALITION
FOR THE INTERNATIONAL
CRIMINAL COURT

“THESE MEASURES HAVE NO EFFECT ON OUR DEDICATION TO OUR WORK BECAUSE WE ARE ASSIGNED TO THIS TASK AND WE MUST ANSWER FOR IT. THE VICTIMS AROUND THE WORLD ARE WAITING FOR US AND WATCHING US.”

Judge Alapini-Gansou, International Criminal Court

Document

The ASP25 Background Document, published by the Coalition for the International Criminal Court, seeks to provide relevant information for civil society's participation at the 25th session of the Assembly of States Parties to the Rome Statute (ASP24). It also provides background information for both civil society organisations and State Parties to the Rome Statute on the most pressing issues: US sanctions and withdrawals, the Court's 2027 budget, judicial and prosecutorial elections, victims' rights and the accessibility of hearings, cooperation and non-cooperation, proposed amendments to the Rome Statute, and the upcoming trials of Rodrigo Duterte and Khaled El Hishri. Thematic sections are accompanied by concrete recommendations for States Parties, regional blocks, and the ICC.

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About the Coalition for the International Criminal Court (CICC)

The Coalition for the ICC is the world's largest partnership advancing the cause of international justice. With member organisations in 150 countries, the Coalition is leading the global fight to end Rome Statute crimes though a commitment to the core values of human rights and justice. We work 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.

Disclaimer

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Introduction

Since 1995, **the Coalition for the International Criminal Court (CICC) has led the civil society effort that campaigned for the adoption of the Rome Statute in 1998 and for the creation of the world's first permanent international criminal court.** The Court was established four years later, in 2002. The Coalition has since facilitated access for civil society from around the world to the Assembly of States Parties (ASP) and to wider discussions on the International Criminal Court (ICC) and the Rome Statute system.

The annual ASP session is a pivotal moment for the Coalition and its members to engage with States Parties, Court officials and other actors, take stock of what has been achieved, and look ahead to how the international justice system can be strengthened and protected in the coming year.

The 25th session (ASP25), which will take place **in The Hague from 30 November to 7 December 2026, opens at one of the most serious moments in the Court's history.** On 9 October 2026, the United States designated the ICC as an institution, escalating a sanctions campaign that already targets judges, prosecutors, a judicial candidate, a UN Special Rapporteur and Palestinian human rights organisations. The campaign has evolved into direct pressure on States Parties to withdrawal from the Rome Statute with an aim to dismantle the Court. Ultimately, these attacks fall on victims and survivors of international crimes. At the same time, the ICC and civil society organisations continue their work with resilience, including by preparing for the two upcoming trials of Rodrigo Duterte and Khaled El Hishri.

This document **provides relevant information for civil society's participation in ASP25 and background information for both civil society organisations and State Parties on the most pressing issues**: US sanctions and withdrawals, the Court's 2027 budget, judicial and prosecutorial elections, victims' rights and the accessibility of hearings, cooperation and non-cooperation, proposed amendments to the Rome Statute, and the upcoming trials of Rodrigo Duterte and Khaled El Hishri.

Thematic sections are accompanied by concrete recommendations for States Parties, regional blocks, and the ICC. Above all, the Coalition calls on States Parties to:

- **Publicly denounce the sanctions** against the ICC and those cooperating with it, and reject any initiative to weaken the Court's jurisdiction or sideline specific investigations.
- **Adopt and activate protective measures** without delay, including national blocking legislation and the European Union Blocking Statute.
- **Fund the Court for the reality it faces**, with a 2027 budget based on its actual workload and protected investment in resilience and victims' rights.
- **Safeguard the integrity of the elections** of six judges and of the next Prosecutor, free from vote-trading and external pressure and elect highly qualified candidates of high moral character, with proven expertise, independence and integrity.

- **Cooperate fully and consistently with the ICC,** rejecting double standards and following up on findings of non-cooperation.
- **Engage with civil society and put victims and survivors at the centre,** including for upcoming hearings.

THE COALITION CALLS ON STATES PARTIES TO:



PUBLICLY DENOUNCE THE SANCTIONS



ADOPT AND ACTIVATE PROTECTIVE MEASURES



FUND THE COURT FOR THE REALITY IT FACES



SAFEGUARD THE INTEGRITY OF THE ELECTIONS



COOPERATE FULLY AND CONSISTENTLY WITH THE ICC



ENGAGE WITH CIVIL SOCIETY AND PUT VICTIMS & SURVIVORS AT THE CENTRE

Understanding
The Assembly Of States Parties

What is the Assembly of States Parties (ASP)?

The ASP serves as the management oversight and legislative body of the International Criminal Court (ICC).

The ASP is composed of the 125 states that have ratified or acceded to the Rome Statute.

What is the annual session of the ASP?

The ASP meets collectively in a "session" at least once a year in New York or The Hague for a week. States Parties use the **annual ASP sessions** to discuss and decide upon important issues related to the non-judicial administration of the ICC and the Rome Statute system. Discussions include cooperation, complementarity, the ICC budget, the efficiency of court proceedings, and threats to the Court. The ASP is strictly forbidden from interfering with the judicial or prosecutorial work of the Court and must fully respect its independence. The ASP also elects ICC officials such as ICC judges and the Prosecutor, various subsidiary committees, such as the Committee on Budget and Finance (CBF) and the Advisory Committee on the Nominations of Judges (ACN). In addition, the Assembly considers the reports on the activities of the Assembly Bureau, the Court and the Board of Directors of the Trust Fund for Victims (TFV).

Both the Rome Statute and the ASP Bureau **encourage states to reach prior consensus** on matters that require a vote, and only when this is impossible an actual vote is undertaken. Each State Party has one, equal vote in the decision-making process of the ASP (Rome Statute Article 112(7)).

What is the ASP Bureau?

The ASP has an executive committee, the ASP Bureau, that consists of a President, two Vice-Presidents and 18 States Parties, elected by the Assembly with due consideration for equitable geographical distribution and adequate representation of the principal legal systems of the world. The Bureau helps the ASP implement its various mandates throughout the year and meets regularly in New York and in The Hague. The Bureau has two working groups: **The New York Working Group (NYWG)** and **The Hague Working Group (HWG)**, each presided by one ASP Vice-President.

In addition to taking decisions at each annual session, the ASP tasks the Bureau with facilitating discussions during the year on a number of issues that will be significant to the activities of the ICC and ASP, including cooperation, strategic planning and universality of

the Rome Statute. 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 CBF as well as organs of the Court and sometimes independent external actors, with reporting back on relevant issues the following year, to inform the decision-making process. These reports are available on the official ASP website.

Who can participate at the ASP?

Member states at the ASP: States Parties to the ASP participate in the Assembly meetings, including the General Debate and other plenary discussions. **Member states are permitted to vote or take part in decision-making of the Assembly.**

Observers to the ASP: States that signed the Rome Statute but have not ratified it, **regional and international organisations, civil society and the media.** Observers can participate in **Assembly meetings** with an **'observer' status**. Participation in the ASP sessions provides these groups with an opportunity to interact with the Rome Statute system. The observers 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. **Observer states are not permitted to vote or take part in decision-making of the Assembly.**

The 25th Session of the ICC ASP:

This year's ASP will take place in The Hague from 30 November to 7 December 2026. The Work Programme outlines the schedule of plenary sessions, elections, consultations and other meetings that take place during the session.

The provisional programme of work of the ASP25 is available on the website of the ASP, some of the main thematics of the plenary sessions include:

- **Elections** of six judges (Monday 30 November to Wednesday 2 December)
- **Cooperation**, (Friday 4 December from 11:30 to 13:00)
- **Non-cooperation,** (Saturday 5 December, from 10:00 to 11:30)
- The Assembly is also expected to adopt the *Omnibus Resolution*, the Resolution on Cooperation and the Resolution on the ICC's budget for 2027, which are adopted every year.

The 25th ASP session opens on Monday 30 November 2026 with a plenary session dedicated to preliminary and administrative tasks. The Assembly begins by formally adopting the agenda of the session.

After appealing to states in arrears to satisfy their outstanding financial contribution requirements, the Assembly will hear **reports** on the **activities of the Court**, of the **Board of Directors of the TFV** and on the activities of the Bureau. Several **ASP elections will take place during ASP25**. In the opening plenary, the Assembly will elect the President of the Assembly for ASP26-ASP28, as well as two Vice-Presidents and 18 members of the Bureau for ASP26-ASP28 two members of the Board of Directors of the TFV and seven members of the Committee on Budget and Finance (CBF).

The **General Debate** is scheduled to take place during the afternoon of Wednesday 2 December, and the morning of Thursday 3 December, with in-person statements. The General Debate provides an opportunity for participants to address issues related to their work and the wider Rome Statute system of international justice. States Parties, non-States Parties, regional and international organisations, 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 improve its performance and operations, with an aim to fulfilling its critical mandate. The Coalition has long encouraged states to express support for an end to impunity through the Rome Statute system during their opening statements.

Civil society also takes part in the General Debate. 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, or featured at all, in the ASP programme. 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, the Court and other stakeholders.

The Assembly will also consider the 2027 ICC Budget proposal. The **CBF**, an elected body of technical experts, assesses the Court's budget proposal and provides recommendations for the Assembly to guide its negotiations on the Court's budget.

The ASP plenary sessions will be broadcast live on the ICC YouTube channel and will remain accessible after the session.

Side events, organised by civil society and others, take place during the ASP, in the margins of plenaries. Topics on the Assembly's agenda, as well as other issues related to the work and broader impact of the ICC, are discussed during the events. All ASP 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 25th ASP session. Other events organised by CICC members outside the world forum will be publicised on the Coalition website. During the plenary sessions, no side-event can take place, however, workshops and side meetings reserved to civil society sometimes take place during the sessions.

Information on the 25th ASP session, including NGO statements and position papers, and a calendar of side-events will be available on the Coalition's website.

Attacks Against The Court And Civil Society Organisations States Parties Must Act Now To Protect The Rome Statute System

US sanctions: An unprecedented attack against the rule of law and victims

In February 2025, the United States (US) adopted Executive Order (EO) 14203 to coerce the ICC into abandoning its investigations into crimes allegedly committed by US nationals and their allies, particularly Israel. Since then, the US has imposed sanctions on nine ICC judges, including the President of the Court, the former prosecutor Karim Khan and two deputy prosecutors, an ICC senior trial lawyer and judicial candidate, the United Nations Special Rapporteur (UNSR) on the situation of human rights in the Occupied Palestinian Territory, and three Palestinian human rights organisations - Al Haq, Al Mezan and the Palestinian Center for Human Rights. A fourth Palestinian human rights organisation Addameer was designated under a separate sanctions regime, broadening the scope of attacks against civil society.

On 9 October 2026, the US escalated its attack by designating the ICC as an institution, in a concerted effort to dismantle the Court "brick by brick". These measures constitute the most serious attack the international justice system has faced in the past decades. By attacking the Court, the US is directly undermining the ability of victims and survivors of international crimes around the world to seek justice and hold perpetrators to account. At stake is the preservation of the rules-based multilateral order, the independence of justice, civic space, including the ability of civil society organisations to support the work of the Court without fear of retaliation, and the sovereignty of all States Parties to the Rome Statute.

The Coalition for the International Criminal Court's (CICC) report, *Criminalising Accountability: The US Lawfare Against the International Justice System*, analyses these attacks and their consequences on the Rome Statute system. Based on 45 interviews, including with all individuals and organisations designated at the time, the report documents how a US domestic sanctions regime has impacted the entire ecosystem of international justice.

TIMELINE OF SANCTIONS

IMPOSED UNDER TRUMP'S SECOND ADMINISTRATION

24 April 2024

"You have been warned"
A group of 12 US Republican senators sent a letter to the former ICC Prosecutor Khan threatening him and the Court with "severe sanctions" against him and his institution if he were to go ahead with requesting arrest warrants for Israeli officials.

9 January 2025

The US House of Representatives passed the 'Illegitimate Court Counteraction Act' to enable the imposition of sanctions on any non-US person that participates in the investigation, arrest, detention or prosecution of US nationals and allied countries.

28 January 2025

The US Senate blocked the 'Illegitimate Court Counteraction Act'. Senators voted 54-45 on the bill.

6 February 2025

The US President Trump issued Executive Order 14203, "Imposing Sanctions on the International Criminal Court" and sanctioned the former ICC Prosecutor Karim Khan.

5 June 2025

The US sanctioned four ICC judges: Judges Bossa, Ibañez Carranza, Alapini-Gansou and Hohler.

10 June 2025

The US sanctioned Addameer Prisoner Support and Human Rights Association (Addameer), under a separate US sanctions programme, broadening the scope of restrictions on Palestinian civil society beyond EO 14203.

9 July 2025

The US sanctioned UN Special Rapporteur on the Situation of Human Rights in the Occupied Palestinian Territory, Francesca Albanese.

20 August 2025

The US sanctioned two ICC judges, Judges Prost and Guillou, and the two Deputy Prosecutors, Nazhat Shameen Khan and Mame Mandiaye Niang.

4 September 2025

The US sanctioned Al-Haq, Al Mezan, and the Palestinian Centre for Human Rights for their cooperation with the ICC

18 December 2025

The US sanctioned two additional ICC Judges: Judges Lordkipanidze and Damdin.

13 July 2026

US Secretary of State Marco Rubio announced a new "whole-of-government response to systematically disable" the ICC's ability to operate. The coercive measures include sanctions, visa revocations and diplomatic pressure to push states to withdraw from the Rome Statute and stop cooperating with the Court, including through threats to cut foreign and security assistance to States Parties.

19 August 2026

The US sanctioned the ICC President, Judge Akane, and an ICC senior trial lawyer and judicial candidate, Abdoulaye Seye.

9 October 2026

The U.S. Administration announced the designation of the International Criminal Court as an institution under Executive Order (E.O.) 14203, "Imposing Sanctions on the International Criminal Court."

AL-HAQ

PALESTINIAN CENTRE FOR HUMAN RIGHTS

مركز الميزان لحقوق الإنسان

Cour Pénale Internationale

International Criminal Court



*Images of the individuals and civil society organisations designated under Executive Order 14203. Credits for the images of ICC Judges Akane, Alapini-Gansou, Bossa, Damdin, Guillou, Hohler, Ibañez Carranza, Lordkipanidze, and Prost, Prosecutor Khan, Deputy Prosecutors Khan and Niang: © ICC-CPI

TARGETED FOR PURSUING JUSTICE

THOSE DESIGNATED UNDER EO 14203

"What do Palestinian human rights organisations, ICC judges and prosecutors and a UN Special Rapporteur have in common? The fact that they were pursuing accountability, nothing more, nothing less."

Francesca Albanese, United Nations Special Rapporteur on the situation of human rights in the oPt.

The Impact of Sanctions: Financial Exclusion, Isolation, Operational Disruption and the Chilling Effect

Executive Order 14203 prohibits US persons from making any contribution of funds, goods or services, including financial services, to or for the benefit of designated persons and entities, and exposes non-US persons to designation themselves. Because of the dominance of the US dollar, the US financial system, US IT and US-controlled technology infrastructure, even non-US service providers located outside the US have extra-territorially implemented these unlawful for fear of secondary sanctions. Sanctions thus have immediate and severe consequences for designated individuals and organisations, including restrictions on their access to banking, payment systems and digital services, beyond the US territory.

Designated individuals

> *Things you took for granted like transferring money to your children, preparing for Christmas, Eid or other celebrations are impacted, it forces you to think before you make any transaction or movement."*

Nazhat Shameem Khan, ICC Deputy Prosecutor

Almost all designated individuals saw their accounts with US companies closed and faced difficulties booking hotels, flights, or even getting reimbursed medical costs. Restrictions and over-compliance have affected access to basic IT services including email, Cloud, Apple ID. All designated individuals lost access to their credit cards and are unable to operate online payments, some of them saw their bank accounts closed or frozen, all face difficulties doing international transfers. ICC Judge Beti Hohler and Judge Gocha Lordkipanidze had their bank accounts in their home countries closed, former ICC Prosecutor Karim Khan had all his bank accounts in the United Kingdom frozen and his account in Malaysia closed, while the UNSR Francesca Albanese is unbanked and has been unable to open bank accounts in Italy, Switzerland and the Netherlands.

> *Our accounts were blocked. All my colleagues, especially those with dollar accounts or from English-speaking countries, had problems even with their local banks in their respective countries."*

Reine Alapini-Gansou, ICC Judge

Civil society organisations

> *When they went as far as sanctioning ICC judges, it was like an earthquake, it shocked everyone. Judges who are carrying their mission, defend justice, and act according to the rule of law. After that there is nothing called a red line, there is no limit"*

Shawan Jabarin, Director of Al Haq

Civil Society Organisations (CSOs) are essential actors of the Rome Statute system and play a key role in documenting crimes, preserving evidence, identifying witnesses, supporting victims and survivors, facilitating participation in proceedings and providing expertise to the Court, in particular in situation countries the ICC cannot access. The designated Palestinian human rights organisations were targeted to prevent any investigations into or documentation of crimes allegedly committed by Israeli nationals, as underlined by Issam Younis, director of Al Mezan "The whole rationale of the sanctions was to silence us, stop us from doing our work, terrify us and terrify others."

Within days after the designation, the bank accounts of the organisations were closed, preventing them from receiving funds, paying salaries, rent and other operational expenses. In less than 30 days, they lost between 20% and 60% of their funding. For organisations operating in Gaza, the consequences are especially devastating. PCHR reported that 38 of its 65 staff members were still living in Gaza when sanctions were imposed, having experienced displacement, loss of homes, famine and the deaths of family members and colleagues.

> *Every person working at PCHR is part of the society, they were subjected to displacement, lost their homes, suffered from famine, lack of water and medicine. All our staff lost loved ones, some up to dozens of their extended family members."*
>
> Raji Sourani, Director of PCHR

The organisations also lost access to certain digital infrastructure and social media platforms. YouTube removed their accounts, together with more than 700 videos documenting human rights violations. These included survivor testimonies, documentaries and investigative material.

US nationals and dual nationals working for designated organisations have been forced to resign because of the risk of civil and criminal penalties. US organisations and lawyers have had to stop all their activities in coordination with the designated organisations, including legal representation, joint legal strategies and litigation, research and submissions to the Court. Lawyers acting as Legal Representatives for Victims were forced to terminate their work with designated organisations due to the risks. The litigation "American Friends Service Committee, et al. v. Trump, et al." led by Human Rights Watch, the Center for Constitutional Rights, Open Society Foundation and others, and the amicus submission by Amnesty International, the International Human Rights Federation and 36 other CSO document this impact. Notably, they highlight how organisations have been compelled to divert staff time and financial resources towards sanctions compliance, legal advice, internal risk assessments and advocacy, at the expense of their core human rights and accountability work.

Beyond the designated organisations, sanctions have a chilling effect on organisations and individuals working on international justice. As ICC Judge Nicolas Guillou put it, "The greatest risk of sanctions is not to those who have already been sanctioned, but to the hundreds of people who will not take the decisions they need to take because they are afraid."

The impact ultimately falls on victims and survivors. As ICC Deputy Prosecutor Nazhat Shameem Khan explained, the Office of the Prosecutor has had to respond to anxious victims asking whether they are safe, whether their identities are protected and whether the Court's technology is secure. Sanctions therefore undermine not only the work of the Court and its partners but also the ability of victims and survivors to seek justice, truth and reparations.

The US new strategy: weakening the ICC by pressuring States Parties to withdraw

The Threats to Justice Team paper, *Coercion of Justice and Sovereignty*, demonstrates that the campaign Secretary of State Marco Rubio announced in July 2026 has evolved beyond sanctions against individuals and organisations into direct pressure on States Parties, conditioning aid, visas or security cooperation on a State's Rome Statute membership, raising fundamental questions of sovereign equality and freedom from external coercion.

Chad is an example of this Strategy: Chad's Foreign Ministry recorded a US request to reconsider its membership of the Rome Statute during a telephone call that also addressed travel restrictions targeting Chadian nationals. Chad notified its withdrawal from the Statute four days later. The implications extend beyond Chad's membership: the country serves as a critical operational base for the ICC's Darfur investigation, given the Court's limited access to Sudan and the presence of more than 940,000 Sudanese refugees in Chad.

The paper argues that, by conditioning aid, security cooperation and visa arrangements on States' continued membership of the ICC, the United States seeks to interfere with sovereign decisions freely made by States when ratifying the Rome Statute. It also highlights how the US administration has appropriated legitimate criticism of the selectivity of ICC investigations to justify undermining the Court precisely as it begins addressing situations involving powerful States and their allies.

The need for an immediate response to protect the ICC

> *I speak for everyone when I say that these measures are futile and have no effect on our work"*
>
> Kimberly Prost, ICC Judge

While those targeted with these unlawful coercive measures have shown resilience and determination in continuing their work undeterred, state parties have a responsibility to ensure they can continue to do so effectively and safely. Without an immediate and coordinated response to these sanctions and attacks, including the immediate adoption of blocking legislations and the activation of the European Union (EU) Blocking Statute (Council Regulation (EC) No 2271/96), state parties risk enabling the continued attacks on the rule of law, the shrinking of civic space and undermining freedom of speech. All cases and investigations will be affected.

The designation of the ICC as an institution creates significant risks for natural and legal persons cooperating with it, including banks, financial institutions, technology companies and insurers, that provide services to or transact with the Court, as well as to civil society organisations.

Diplomatic engagements with the US should solely aim at securing the full revocation of the sanctions and must not entail concessions concerning any of their demands, including changing the jurisdiction of the ICC or sidelining certain investigations including the Palestine and Afghanistan investigations. In any case, efforts to revoke the sanctions must not delay the adoption of concrete measures to protect the Court and those cooperating with it. The six-month wind-down period announced by the US administration, with exemptions for certain services, must be used to protect the Court, its operations and those cooperating with it; it cannot become an excuse for inaction or further delay in the immediate activation of the EU Blocking statute and other protective measures.

In October 2026, more than 200 CSOs from over 60 countries called for the full revocation of US sanctions, immediate activation of blocking legislation to protect the Court and those cooperating with it, the extension of solutions to civil society actors targeted for their work with the Court and the rejection of strategies to weaken the Court, its jurisdiction, or sideline certain investigations. Statements of concern and condemnations are no longer a sufficient response to this attack. A coordinated response can no longer be delayed. Three decades ago, States made a promise that no one, no matter how powerful, will be shielded from accountability for international crimes. Victims and survivors have waited decades for a Court capable of delivering justice regardless of power or nationality, and today, the ICC is facing unprecedented pressure precisely because it seeks to apply the law equally. States Parties established the Court and are uniquely placed to safeguard its independence and effectiveness. Failure to respond decisively risks weakening the international justice system they pledged to uphold.

Key **Recommendations** ahead of ASP25

States and regional blocs should:

- **Publicly and firmly denounce the unlawful sanctions against the International Criminal Court (ICC), its staff and officials, and organisations and individuals supporting its work,** including the designated Palestinian organisations (Al-Haq, Al Mezan, PCHR and Addameer) and the UN Special Rapporteur Francesca Albanese.
- **Publicly and clearly oppose any initiatives aimed at weakening the Court**, including amendments to the Rome Statute to limit its jurisdiction or independence or attempts to influence prosecutorial priorities, including efforts to sideline specific situations, such as Afghanistan or Palestine.
- **Explore and support all possible diplomatic and legal avenues to revoke the sanctions**, including through diplomatic protection and initiating proceedings before

the International Court of Justice, and support any legal challenge raised by designated nationals.

- **Immediately adopt and implement national and regional blocking legislation** to strengthen states' sovereignty, the security of their residents and nationals, and ensure individuals, judicial bodies and organisations are protected from the extra-territorial impact of the sanctions.

- **Ensure that designated individuals and institutions can continue to access essential services** for their mandates and private use. Notably:

  - ☐ **Provide legal certainty and protection to service providers by taking a clear legal position that sanctions imposed by the US administration do not apply to operations without a US nexus**, and make this legal position publicly available to service providers through letters or written statements.

  - ☐ **Engage proactively with banks, financial institutions, IT companies and other service providers** to provide clarification on how they can, in compliance with their domestic and, where applicable, EU law, prevent the extra-territorial implementation of these coercive measures, without fear of repercussion and penalties from the US.

- **Apply protection equally, extending every statement, démarche and funding measure to include civil society organisations** designated alongside Court officials, without distinction.

- **Find concrete measures to mitigate the loss in funding to civil society organisations that have lost funds or are at risk of losing funds due to sanctions**, to ensure they can continue to operate and to protect and support institutions promoting the rule of law in Afghanistan, Palestine and elsewhere.

- **Reaffirm commitment to the Rome Statute of the International Criminal Court,** including by respecting international obligations and continuing to cooperate with the Court.

- **Pursue reversal within the twelve-month window,** with the Assembly Presidency by engaging Chad, Venezuela, Mali, Niger and Burkina Faso. States should insist on compliance with the obligations that continue under Article 127(2), both during the notice period and beyond, in respect of investigations and proceedings that commenced before the withdrawal took effect.

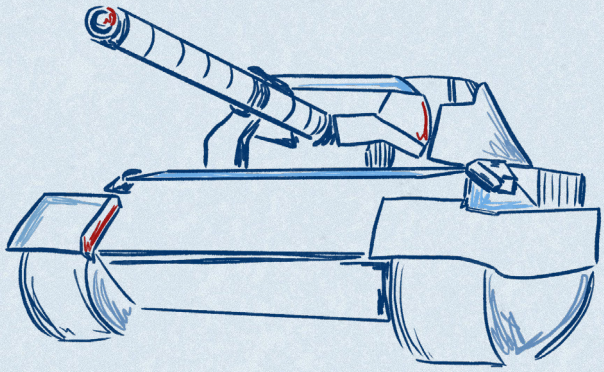
- **Build and invest in economic sovereignty and financial resilience** to reduce structural dependency on US-controlled financial infrastructure.

- **Protect all upcoming elections including for the Prosecutor, from external pressure.**

The International Criminal Court should:

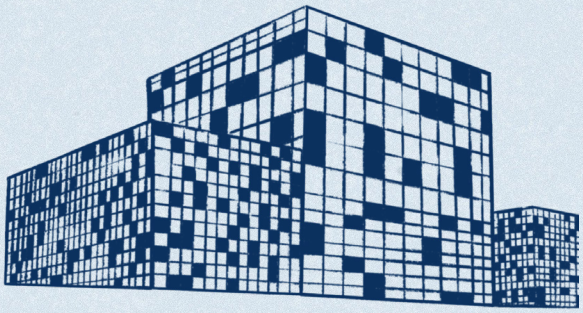
- **Publicly, firmly and systematically denounce, including through public statements, sanctions against CSOs designated for their work with the Court,** in consultation with these organisations to ensure the statements reflect their needs and do not put them at further risk.
- **Continue to firmly and systematically denounce sanctions against ICC officials and staff.**
- **Affirm publicly that no investigation or case will be deprioritised, suspended or reshaped as a response to sanctions or any other external pressure.**
- **Continue to support ICC officials and staff who are designated under EO 14203, including beyond the end of their mandate or employment,** notably by covering any legal advice and legal costs associated with the designation and legal challenges before US courts.
- **Continue to find alternatives to US-service providers,** including in IT and Cloud systems, to safeguard institutional continuity while preventing any future structural dependency on one country or service provider.
- **Ensure that solutions found for enabling the continuity of the work of the Court, in particular for IT and banking services, can benefit other actors designated because of their work in relation to the Court,** including CSOs.
- **Formalise the Court's relations with CSOs** and the responsibilities of the Court based on the Guidelines on intermediaries.
- Clarify with civil society organisations the **measures and support mechanisms available within the ICC for CSOs who may face reprisals and sanctions for cooperating with the Court,** including public statements and sharing of best practices in the face of designations.

The ICC's 2027 Budget:
States Should Meet Growing Demands and Rising Threats



IN 2025, GOVERNMENTS SPENT
$2887 BILLION
ON MILITARY EXPENDITURE

Source: Stockholm International Peace Research Institute SIPRI - April 2026



THE ICC IS REQUESTING
€195 MILLION
FOR ITS 2027 BUDGET

The ICC has presented a proposed programme budget for 2027 of €195,220,300

For 2027, the International Criminal Court (ICC) proposes a regular programme budget of €195,220.300, an increase of €1.95 million, or 1.0 per cent, compared with the €193,267.800 approved for 2026. Adding €3.59 million for interest and capital repayment on the Host State Loan for the permanent premises, the Court's total proposed budget amounts to €198.81 million.

The Court is operating in an increasingly hostile environment. The 2027 proposal identifies a combination of coercive and other measures affecting the institution, including US sanctions, in absentia convictions of ICC officials by the Russian Federation and sophisticated cyber threats. There are operational and budgetary consequences to address these threats and safeguard the ICC into the future.

Civil society has consistently called on States Parties to ensure that the ICC has the resources necessary to carry out its mandate effectively and independently. The circumstances surrounding the 2027 budget make that responsibility particularly urgent.

States Parties should approve a 2027 budget that is based on the Court's actual workload and operational requirements, rather than on predetermined nominal-growth limits. States Parties should in particular protect investments in institutional resilience and business continuity. Measures intended to reduce dependence on vulnerable external providers, maintain alternative systems and services, strengthen cybersecurity and protect staff should not be treated as negotiable administrative costs. In the current environment, these investments are integral to safeguarding the Court's independence and ensuring that external actors cannot impair its functioning through political, financial, technological or other forms of pressure.

At the same time, resilience must include the Court's relationship with the people for whom the Rome Statute system exists. Victims' rights, outreach, legal representation and field engagement must not become casualties of budgetary pressure. The Victims' Rights Working Group (VRWG) has welcomed important elements of the 2027 proposal, including dedicated outreach capacity for Libya and the Philippines, but has highlighted the continuing risk that outreach capacity rises and falls too closely with courtroom activity. As the VRWG has stressed, "victims' need for information does not begin when a trial starts, and it does not diminish simply because courtroom activity does." Victims need information and engagement not only during trials, but throughout the lifecycle of the Court's work, including investigations, periods without public judicial activity, appeals and reparations. The VRWG has therefore called for outreach to be budgeted across the full lifecycle of a situation and for States Parties to support and protect sufficient and sustained funding for outreach and language access.

States Parties should also scrutinise whether victim-related resources are sufficient as a whole. These resources are dispersed across outreach, the Victims Participation and Reparations Section, language services, legal representation, witness support, field operations and the Trust Fund for Victims. A genuinely victim-centred budget requires a transversal architecture, enabling victims to receive timely information, understand and exercise their rights, participate meaningfully and ultimately benefit from reparative measures.

The central message for ASP25 should therefore be clear: **States Parties cannot separate political support for the ICC from the resources required to sustain it.** Resilience is no longer an administrative overhead, it is a condition for judicial independence. At a moment of growing workload, direct coercive measures and structural vulnerabilities, States Parties must ensure that the pursuit of budgetary restraint does not itself undermine the institution they have pledged to defend.

Key **Recommendations** ahead of ASP25

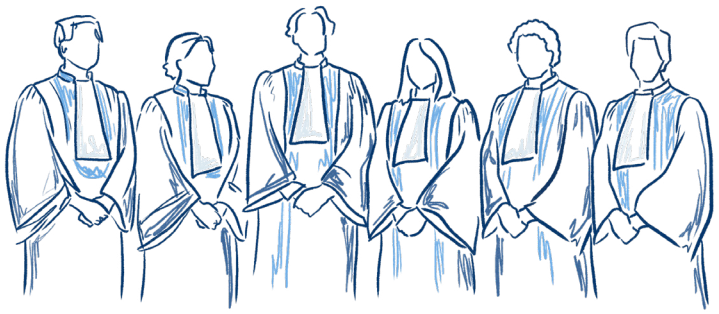
To ensure that the Court can fulfil its mandate, the CICC encourages states to:

- **Provide the Court with the resources necessary to deliver its mandate effectively and independently**, assessing the 2027 budget against actual judicial, investigative and operational requirements rather than fixed nominal-growth ceilings.
- **Protect resources for resilience, business continuity, cybersecurity and operational autonomy,** recognising that the ability of the Court to withstand coercive measures is now integral to its judicial independence.
- **Ensure adequate and sustained resources for victims' rights,** including legal representation, outreach, language access, participation, field engagement and reparations, and support sufficient resources for the Trust Fund for Victims to fulfil its mandate.
- **Support sustained outreach across the full lifecycle of situations and cases,** rather than tying outreach capacity predominantly to periods of active courtroom proceedings, and request clearer reporting on whether victim-related resources are enabling meaningful access and participation.
- **Ensure that the Contingency Fund is sufficiently resourced and accessible** so that genuinely unforeseen judicial, operational, security developments or attacks against the Court do not force the Court to divert resources from existing mandated activities.
- **Pay assessed contributions in full and on time**, and address outstanding arrears, so that the budget approved by the Assembly translates into resources actually available to the Court.

Judicial And Prosecutorial Elections At the International Criminal Court

Ensuring a Fair, Independent and Merit-based Process

ELECTIONS
IN THE CONTEXT OF ONGOING ATTACKS AGAINST OFFICIALS & THEIR INDEPENDENCE



During its twenty-fifth session, the ASP will elect six new judges to serve non-renewable nine-year terms. Following the removal of former Prosecutor Karim Khan in July 2026, the election of the new ICC Prosecutor is scheduled to take place during the twenty-sixth session of the ASP in December 2027 (subject to change). The newly elected Prosecutor will serve a non-renewable term of up to nine years.

Judicial elections are among the most important governance functions of the Assembly, and the quality, independence and diversity of the bench directly shape the Court's credibility, its jurisprudence and its ability to deliver justice to victims. The election of the Prosecutor is equally significant, as the Prosecutor leads the Office responsible for conducting investigations and deciding which cases to bring before the Court. Their independence, integrity, and leadership are essential to the effectiveness and legitimacy of the Court's work.

To date, former Prosecutor Khan, the two deputy prosecutors, nine judges, including the President of the Court, and a judicial candidate, have been subjected to unlawful sanctions by the United States (US) for carrying out their functions in the Afghanistan and Palestine situations, independently of US external pressure. The designation of a candidate in the ICC judicial elections broadens the attack against the judicial independence of the Court from sitting judges to judicial candidates. Moreover, the former ICC Prosecutor and eight current and former judges have been tried, convicted and sentenced in absentia by the Russian Federation to a period of imprisonment of up to 15 years for their work on justice in the Ukraine situation.

In an atmosphere where judges of the Court and judicial candidates face sanctions, in absentia convictions, and political attacks from several non-State Parties, the independence and integrity of those elected to the bench are essential to safeguarding the Court's independence and its ability to deliver justice to victims equally.

Judicial Elections

Nomination of candidates

The nomination period for the 2026 elections opened on 5 January 2026. Candidates are nominated by States Parties through diplomatic channels and must be nationals of a State Party. This year, the nomination period was extended three times, the maximum number of extensions, until 10 May 2026.

Article 36 of the Rome Statute sets out the qualifications, nomination and election process for judges of the Court. Judges must be persons of high moral character, impartiality, and integrity, who possess the qualifications required in their respective States for appointment to the highest judicial offices and have excellent knowledge in at least one of the working languages of the Court. Candidates are placed either on List A, due to their established competence in criminal law and procedure as well as relevant experience in criminal proceedings, or on List B, based on competence in relevant international law areas and extensive experience in a professional legal capacity relevant to the judicial work of the Court.

To promote transparency and encourage merit-based, competitive national processes, States Parties are encouraged to include detailed information on the national procedures used to select the candidates.

Assessment of the candidates

The Public Report of the Advisory Committee on the Nomination of Judges

The Advisory Committee on Nominations of Judges (ACN), an independent body established by the ASP under Article 36(4)(c) of the Rome Statute, evaluates the qualifications of nominated candidates before the elections. Candidates complete detailed questionnaires and are interviewed by the ACN, which assesses whether they meet the necessary requirements, including judicial temperament and professional experience. The ACN then issues a public report classifying the candidates according to their level of qualification. Although the ACN report is non-binding, it is intended to inform States Parties' voting decisions. The ACN submitted its report on the 2026 judicial candidates on 5 August 2026.

Permanent Due Diligence Procedure

Alongside the ACN's assessment, candidates are subject to a permanent due diligence procedure focusing on integrity and conduct. Under this procedure, the Independent Oversight Mechanism (IOM) receives and reviews allegations of misconduct concerning nominated candidates, including human rights breaches, workplace misconduct, abuse of authority, discrimination, and serious ethical and legal breaches. The deadline for submitting allegations was 30 June 2026.

Yet, the ACN did not receive the final IOM due diligence report in time to consider the findings or concerns arising from the IOM's report during the interviews, its assessment of candidates and the drafting of the report. The process also exposed broader uncertainties regarding how due diligence findings are assessed, the respective responsibilities of the ASP Presidency and Bureau in determining any necessary follow-up, and the information made available to States Parties before voting, while safeguarding confidentiality and the rights of complainants and candidates.

Public Engagement

Public roundtables with judicial candidates, facilitated by the Bureau of the Assembly of States Parties and the Coalition for the ICC's Elections Team, were held virtually between 4 to 6 November 2026. Originally scheduled to take place in New York, the roundtables were moved online to facilitate the participation of all candidates. Recordings of the sessions are available.

Ahead of the public roundtables, the Coalition also invited candidates to complete questionnaires outlining their qualifications, professional experience and vision for the Court, with the aim of providing additional information beyond that contained in the formal nomination materials.

Candidates

List A: Competence in criminal law and procedure

Candidate	Nationality	Gender
Mette Knudsen	Denmark	Female
Lev Kyshakevych	Ukraine	Male
Guénaël Mettraux	Switzerland	Male
Njoki Ndung'u	Kenya	Female
Veronic Wright	The Gambia	Female
Yoshimitsu Yamauchi	Japan	Male

List B: Competence in relevant areas of international law

Candidate	Nationality	Gender
Ezéchiel Amani Cirimwami	Democratic Republic of the Congo	Male
Evelyn Ankumah	Ghana	Female
Rosette Muzigo-Morrison	Uganda	Female
Ana Peyró Llopis	Spain	Female
Abdoulaye Seye	Senegal	Male

Elected candidates will replace six judges whose mandates end in March 2027. These are: Judge Tomoko Akane (Asia-Pacific), Judge Rosario Salvatore Aitala (Western European and Other States), Judge Reine Alapini-Gansou (Africa), Judge Solomy Balungi Bossa (Africa), Judge Luz del Carmen Ibáñez Carranza (Latin America and the Caribbean) and Judge Kimberly Prost (Western European and Other States).

Mandate of the judges

The newly elected judges will take office on 11 March 2027 and serve a single nine-year term, until 2036. ICC judges are not eligible for re-election.

How will the election take place?

Judges are elected by secret ballot and need a two-thirds majority of the States Parties present and voting. Each State Party may vote for as many candidates as there are seats, and successive rounds are held until all seats are filled.

The Rome Statute requires that the composition of the Court reflect:

- The principal **legal systems** of the world;
- Equitable **geographical** representation; and
- A fair representation of **female and male judges**.

Because of this, States Parties' ballots must comply with minimum voting requirements (MVRs). At the beginning of the 2026 election, each State Party must vote for at least two List A candidates, one candidate from the African Group and one from the Western European and Other States Group. All other requirements are already fulfilled, and the requirement for the Asia-Pacific Group has been adjusted to zero, since only one candidate from that group was nominated. The MVRs are recalculated after each ballot.

A call to uphold merit, integrity and transparency

The Coalition does not endorse any individual candidate. As it has consistently emphasised, judicial elections must prioritise the selection of the most highly qualified candidates of high moral character, through fair, transparent and merit-based processes. The integrity of the election process is as important as its outcome. States Parties should reject political considerations, including reciprocal agreements or vote-trading, in favour of principled decision-making.

Key **Recommendations** ahead of ASP25

To safeguard the integrity of the 2026 judicial elections, the CICC encourages states to:

- Prioritise the most highly qualified candidates of high moral character, with proven expertise, independence and integrity, taking full account of the ACN's assessment and the outcome of the due diligence procedure;
- Clarify, before the 2026 judicial and 2027 prosecutor elections, how the findings of the due diligence procedure are considered, what follow-up is undertaken by the ASP Presidency and Bureau, and how States Parties can make fully informed voting decisions while protecting confidentiality and the rights of complainants and candidates;
- Reject vote-trading and reciprocal agreements in favour of principled, merit-based decisions;
- Ensure transparency at every stage, including the publication of national nomination procedures, candidate questionnaires and the ACN's assessments;
- Establish clear timelines for the preparation and submission by the IOM of due diligence reports to the ACN, ensuring that these are provided sufficiently in advance of candidate interviews and the preparation of the ACN's report for future elections; and
- Ensure that national nomination processes are transparent and merit-based for future elections.

Prosecutorial Elections

The removal of former Prosecutor Karim Khan

On 24 July 2026 the Assembly of States Parties decided, by a majority of 82 States Parties, that Mr. Karim A. A. Khan had committed serious misconduct and a serious breach of duty, and consequently removed him from office pursuant to Article 46 of the Rome Statute. Pending the election of a new Prosecutor, the Office of the Prosecutor is being led by the two Deputy Prosecutors, Ms. Nazhat Shameem Khan and Mr. Mame Mandiaye Niang, the latter now serving as Acting Prosecutor.

The legal framework

Under Article 42(3) of the Rome Statute, the Prosecutor must be a person of high moral character, highly competent, and with extensive practical experience in the prosecution or trial of criminal cases. The Prosecutor must also have excellent knowledge of, and be fluent in, at least one of the working languages of the Court. The Prosecutor is elected by secret ballot by an absolute majority of the members of the ASP.

Candidates' resilience and independence amid threats to the independent of the Office of the Prosecutor

The election comes at a decisive moment for the Office of the Prosecutor (OPT) and the ICC as a whole. Following the removal of an elected Prosecutor for the first time in the Court's history in July 2026, restoring trust in the OPT and confidence in the integrity of its leadership must be a priority. At the same time, the next Prosecutor will take office amid an increasingly challenging environment for the Court marked by external threats, attacks, and sanctions targeting both its officials and the Court as an institution. Two previous Prosecutors, Ms. Fatou Bensouda and Mr. Karim A. A. Khan, have been subjected to unlawful US sanctions. During her tenure, Ms Bensouda was reportedly subjected to surveillance and direct threats, while Mr Khan reportedly faced political pressure and threats from States Parties representatives as well as US senators in connection with the exercise of their prosecutorial discretion and independent prosecutorial policy. In this context, **the next ICC Prosecutor must demonstrate the resilience, independence and institutional leadership necessary to withstand external pressure and to safeguard the OPT's ability to carry out its mandate independently.**

The procedure for the election of the fourth Prosecutor

On 26 October 2026, the ASP Bureau adopted the procedure for the election of the fourth Prosecutor. The election will take place at the twenty-sixth session of the Assembly of States Parties, in The Hague in December 2027, unless the Bureau decides otherwise.

Applications

As stated in the vacancy announcement for the post applications opened on 31 October 2026 and, at the time of writing, will remain open until 31 January 2027. Candidates may apply directly, while States Parties or groups of States Parties may also submit applications on behalf of individuals.

Assessment by an Advisory Committee

Exceptionally, the ACN will serve as the Advisory Committee on the Election of the Prosecutor. It will review all applications and publish the list of formally qualified candidates on the ASP website on 20 February 2027. It will then interview candidates and publish a report assessing their qualifications. The report will not shortlist or rank candidates, and it is not binding on States Parties.

Assessments should meaningfully distinguish candidates' qualifications against clear and transparent criteria, including their prosecutorial expertise, leadership and management abilities, integrity, independence, resilience in the face of personal or institutional threats and attacks, and suitability to lead the Office.

Due diligence

All formally qualified candidates will be subjected to the permanent due diligence procedure carried out by the IOM. A confidential channel to report allegations of misconduct will be open from 20 February to 20 April 2027. The ACN may only interview candidates after receiving the IOM's final report. Candidates against whom allegations are found to be credible, reliable, and verifiable may be excluded from the process.

Public roundtables

Public roundtables with the candidates are scheduled to be held from 27 to 30 September 2027, and candidates will be required to take part and answer questions from States Parties and civil society. In October and November 2027, the Presidency of the ASP will lead consultations, with five regional focal points, to identify a potential consensus candidate. Formal nominations by States Parties will be invited from 22 to 26 November 2027.

Decisions expected at ASP25

To put this procedure in place, the Assembly is expected to adopt the terms of reference of the Advisory Committee on the Election of the Prosecutor and to mandate the Bureau to appoint the five regional focal points at its twenty-fifth session.

From procedure to practice

The election comes at a decisive moment for the Office of the Prosecutor. After the removal of an elected Prosecutor for the first time in the Court's history, restoring trust in the Office and in the integrity of its leadership must be a priority. The current selection procedure responds to several lessons learnt from the 2020 election, including a public vacancy announcement, the publication of qualified candidates' applications, a due diligence procedure completed before interviews, and public roundtables open to civil society. Its credibility will ultimately depend on how it is implemented.

Key **Recommendations** ahead of ASP25

To ensure the election of a Prosecutor of the highest qualifications and integrity, the CICC encourages states to:

- Adopt the Terms of Reference of the Advisory Committee on the Election of the Prosecutor and the mandate for the regional focal points at ASP25;
- Ensure that the due diligence procedure is rigorous and adequately resourced, and widely publicise the confidential channel;
- Prioritise highly qualified candidates of high moral character, with proven expertise, independence, integrity, and ability to be resilient in the face of attacks, sanctions, and threats;
- Ensure that the Advisory Committee rigorously assesses candidates' leadership and management abilities, record of professional integrity, commitment to preventing and addressing workplace misconduct, and demonstrated understanding of victims' rights and gender justice;
- Refrain from campaigning, endorsements, or vote-trading, including with non-State Parties, during the consensus-building process, and base their decisions solely on merit;
- Ensure transparency throughout, including regular public updates on the process and meaningful engagement with civil societies; and
- Encourage applications from highly qualified candidates, with due regard to a fair and equitable gender and geographical representation.

Improving Victims' Rights and the Accessibility of Hearings at the ICC

> *Seeing Khaled El Hishri standing before the judges of the International Criminal Court restored our hope. (...) On behalf of myself and those who shared this suffering with me, including my companions who remain in the cells of Mitiga Prison and those who lost their lives as a result of torture, I say that the Court represents our last hope."*
>
> Nidal, a survivor of Mitiga prison

In 2026, the ICC held confirmation of charges hearings in the cases against former Philippine President Rodrigo Duterte and Khaled Mohamed Ali El Hishri, an alleged senior member of the "Al-Radaa" armed group. Both cases are historic: they are the first to reach this phase in the Philippines and Libya situations.

Hearings represent a significant milestone for victims, survivors, human rights defenders and affected communities. They represent an important moment of acknowledgment, provide an opportunity for the views and concerns of victims to be shared, and strengthen pathways towards accountability, truth, and reparations. They can also be distressing or re-traumatising. Ensuring that hearings are accessible, safe and respectful is therefore essential to meaningful engagement with the Court.

> *The process of listening and attending hearings is part of the healing process for victims and their families"*
>
> Underlines Dr. Aurora Corazon Parong, co-chair of the Philippine Coalition for the ICC.

The participation of victims and survivors' groups, human rights defenders and CSOs in these hearings provided important insights into how ICC hearings are experienced by those most directly affected.

> *For survivors, justice is not measured only by whether an accused person stands before judges. It is also measured by whether we can enter the Court without fear, understand what is happening, choose those who represent us, participate with dignity, and leave without being exposed, humiliated, or re-traumatised by unnecessary or insensitive interactions with Court staff"*
>
> Explained a survivor of Mitiga prison and spokesperson for Refugees in Libya.

The Victims' Rights Working Group (VRWG), in coordination with civil society organisations working on the Philippines - Philippine Coalition for the ICC - and Libya - Libya Crimes Watch, Lawyers for Justice in Libya (now Route Justice), Refugees in Libya and the European Center for Constitutional and Human Rights (ECCHR)-, developed lessons-learned documents on the Duterte and El-Hishri hearings. These briefings focus on the experience of affected communities engaging with and attending proceedings at the seat of the Court, and push for more survivors-centered, trauma-informed, and accessible proceedings at the ICC.

The VRWG welcomes the implementation, by the ICC of key recommendations to improve victims and survivors' participation for upcoming hearings.

The VRWG welcomes the constructive engagement of the ICC Registry with the VRWG and the concrete measures introduced or being finalised in response to its recommendations to improve the accessibility, safety and experience of victims and survivors attending hearings, including:

- **Preparatory meetings ahead of the hearing.** The Court will continue its good practice of holding pre-hearing meetings, including online, to ensure victims, survivors and CSO representatives travelling to the Hague for the hearings are well prepared for the experience ahead of them, are informed of the processes, the risks - including re-traumatisation-, and can share their questions and concerns ahead of the hearing. It will include a brief by a trained therapist.
- **Creating a safe space at the ICC**. The Court will continue its good practice of having a representative from Public Information and Outreach Section (PIOS) available during hearings to provide support and reassurance to CSOs, victims and survivors. Similarly to the El-Hishri hearing, the Court will on key dates provide a room for CSOs attending with victims and survivors to rest, recuperate and meet safely.
- **Introductory video.** The ICC is finalising an introductory video, to be shown before each hearing, both in the public gallery and on the Court's webcast, explaining the potential display of sensitive information and the associated risk of re-traumatisation; public gallery protocols, including the right to leave the gallery at any time; and reminding the importance of hearings for accountability and truth. For the upcoming Duterte trial, a video is recorded in Tagalog, with subtitles in other relevant languages. For the El-Hishri trial, the video will be produced in Arabic with subtitles in other relevant languages.
- **Trauma-informed sensitisation.** All ICC personnel who interact with victims, including security officers, outreach and protocol staff, underwent an awareness-raising session on trauma-informed and survivor-centered approaches ahead of the Duterte trial. Using practical scenarios and videos, the training covered different possible responses to trauma and psychological distress. The emphasis was on respecting each individual's response and avoiding additional distress. The training could be refreshed or offered again before other hearings, including the El Hishri trial.
- **Public gallery protection.** The public gallery will not be filmed and will be kept entirely out of the camera's view, to improve the security and safety of those attending.
- **Language support.** While during the confirmation of charges hearing for Duterte interpretation was only available in English and French, Tagalog interpretation is expected to be available for parts of the upcoming trial.
- **Distress protocol.** An internal protocol for ICC staff has been developed for situations in which someone attending becomes psychologically distressed, to complement the Court's existing medical emergency protocol. I On an exceptional basis, the Court will have an ICC psychologist on call on key dates to provide limited assistance in case of a mental health emergency.

- **Campaign to increase diversity of the List of Counsel.** The ICC is developing a new campaign to encourage applications Arabic-speaking lawyers with a view to enhancing the diversity of the individuals on the Court's List of Counsel and the List of Assistants to Counsel.

Key **Recommendations** ahead of ASP25

To State Parties

- Fund simultaneous interpretation into the relevant local language(s) for hearings, and engagements with civil society organisations, victims and survivors;
- Support in-person and remote viewing opportunities, and outreach led by both the Court and civil society organisations.
- Ensure adequate funding for victims' rights, through actively evaluating and – where necessary – increasing budget allocating for relevant Court organs and sections, using a victim-centred approach;
- Treat the safety and dignity of hearing attendees as a budget priority, including by funding trauma-informed trainings for all Court staff and officials, and psychosocial support staff needed on hearing days;
- Fund broader survivor-centred and trauma-informed projects supporting the attendance of victims, survivors and CSO representatives to ICC hearings.

Cooperation and Non-Cooperation

State cooperation lies at the heart of the ICC system: without it, international justice cannot function. ICC States Parties serve as the Court's enforcement pillar: the Court relies on States Parties to execute arrest warrants, even when they remain under seal, surrender suspects to its custody, facilitate access to situations under investigation, trace and recover assets, and, fundamentally, protect survivors and witnesses.

Under Article 86 of the Rome Statute, States Parties are required to "cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court". The cooperation regime established by Part 9 of the Rome Statute includes obligations relating to arrest and surrender, as well as other forms of assistance. When a State Party fails to comply with a request for cooperation contrary to the Statute and thereby prevents the Court from exercising its functions and powers, Article 87(7) provides that the Court may make a finding of non-cooperation and refer the matter to the ASP or, where the Security Council referred the matter to the Court, to the Security Council.

No double standards

Recent cases have demonstrated the consequences when cooperation becomes selective. Different States have invoked domestic legal constraints, competing international obligations, immunities, national security concerns and political considerations to justify not implementing arrest warrants, in violation of their international obligations. Yet the credibility and effectivity of the Rome Statute system depends on cooperation obligations being applied consistently, irrespective of the situation, the identity or nationality of the suspect, or the political consequences of compliance. **States cannot support accountability in one situation while disregarding their legal obligation in another. Selective cooperation undermines equality before the law, weakens the credibility of the Court and, ultimately, denies justice to victims and survivors of mass atrocities.**

Preventing and addressing non-cooperation

The Rome Statute also provides mechanisms to address genuine difficulties in executing cooperation requests. Article 97 provides for consultation with the Court where a State identifies problems that may impede or prevent execution. Recent non-cooperation proceedings have underlined the importance of using these mechanisms. Cooperation is not fulfilled simply by taking initial steps towards executing a request for the arrest and surrender of a suspect to the ICC. States must act in good faith, preserve the possibility of effective cooperation and engage with the Court.

The ASP plays an essential role in preventing instances of non-cooperation with the Court and following up when they occur, including through diplomatic engagement by its President, Bureau and focal points on non-cooperation. The ASP has also called for the prompt sharing with the Court of information on potential or confirmed travel by individuals

subject to ICC arrest warrants, and for continued intersessional engagement by the Bureau to ensure effective implementation of these procedures.

For the second consecutive year, non-cooperation will be a formal issue before the Assembly at ASP25. This takes on particular significance in the context of ASP25, in light of the findings of non-compliance concerning both Italy and Tajikistan and the decision to refer their non-compliance to the ASP.

Non-cooperation in the situation in Ukraine: Tajikistan

On 19 March 2026, Pre-Trial Chamber II formally found that Tajikistan had failed to comply with its international obligations under the Rome Statute by failing to arrest and surrender Russian President Vladimir Putin during his visit to Tajikistan in October 2025. The Chamber referred the matter to the ASP. The decision provides important clarification of the obligations of States Parties. The Chamber stressed that Article 59 requires a State Party receiving a request for provisional arrest or arrest and surrender to "immediately take steps to arrest the person". According to the Pre-Trial Chamber, this constitutes "**a fundamental obligation of the requested State, not a discretion**".

On 25 September 2025, ahead of Mr Putin's visit, Tajikistan informed the Court that it considered itself unable to execute the Request for Cooperation. Tajikistan argued that the Russian Federation is not a party to the Statute and has not waived the immunity of its current Head of State and it could not take actions that are contrary to its international legal obligations until receiving consent by the Russian Federation to waive the immunity.

The Chamber rejected these arguments. It reiterated that Article 27 creates a binding obligation for States Parties to arrest and surrender persons subject to ICC arrest warrants irrespective of their official capacity, whether they are nationals of States Parties or non-States Parties and whether there is a bilateral immunity agreement.

The Chamber concluded that "Tajikistan failed to fulfil its international obligation towards the Court and towards the international community as a whole to cooperate in the arrest and surrender of Mr Putin".

The decision illustrates a fundamental principle for the Rome Statute system: political relationships or bilateral agreements cannot determine whether ICC arrest warrants are executed.

Following the referral, a representative of Tajikistan appeared before the ASP Bureau on 6 May 2026 to improve cooperation in the future.

Non-cooperation in the situation in Libya: Italy

Osama Elmasry Njeem was arrested by Italian authorities in Turin, Italy, on 19 January 2025 pursuant to an ICC arrest warrant in the Libya situation. Instead of being surrendered to the Court, he was released and returned to Libya.

On 17 October 2025, Pre-Trial Chamber I found that Italy had failed to comply with its international obligations under the Rome Statute, preventing the Court from exercising its functions and powers by failing properly to execute the Court's request for Njeem's arrest and surrender and by failing to consult and cooperate with the Court to resolve purported difficulties concerning the warrant and a competing extradition request.

The case highlights an important dimension of the cooperation regime. Cooperation is not fulfilled by arrest alone. Where difficulties arise that could impede or prevent execution of a Court request, the Rome Statute provides mechanisms for consultation. States should engage promptly and genuinely with the Court rather than taking unilateral measures.

On 26 January 2026, Pre-Trial Chamber I formally referred Italy's non-cooperation to the ASP. In accordance with Assembly resolution ICC-ASP/17/Res.5, annex II, paragraph 14 (c), a representative of Italy was invited to the 1 April 2026 meeting of the Bureau of the Assembly to discuss the implications of the Court's decision regarding its non-cooperation and to present its views on how it would cooperate with the Court in the future. Pursuant to paragraph 15 of the same annex, the Bureau will submit a report on the action taken, along with any recommendations, to the 25th session of the Assembly.

In parallel, two victims (Y and Z), with the support of the European Center for Constitutional and Human Rights (ECCHR) and Refugees in Libya, have filed cases before the European Court of Human Rights against Italy, on the basis that Italy violated their right to life and freedom from torture by failing to surrender Njeem to the ICC. REDRESS, Routes Justice, TRIAL International and FIDH filed third party interventions in these cases.

Non-cooperation in relation to the arrest of sitting Heads of State: peace negotiations

On 9 June 2026, Pre-Trial Chamber II of the International Criminal Court issued a response under Article 97 of the Rome Statute, following an anonymised State Party's request for consultations concerning the possibility of hosting peace negotiations involving a person subject to an ICC arrest warrant (Vladimir Putin). The Chamber recalled that States Parties remain bound by their obligations to arrest and surrender individuals sought by the Court, irrespective of their national capacity and whether they are nationals of States Parties or non-States Parties, and that these obligations cannot be displaced by any interstate immunity principle or obligation. However, it recognised that where a suspect is invited, in their official capacity as Head of State or Government, to participate in a peace conference formally convened by the United Nations under the UN Charter, potentially conflicting obligations under the Charter may be taken into account when assessing whether a State has failed to comply with an ICC cooperation request. The Court found that this assessment must be

made by the Court on a case-by-case basis; States cannot unilaterally waive or suspend their cooperation obligations and must inform the Court promptly of relevant developments.

The Chamber's reasoning risks creating an overly broad exception to States Parties' cooperation obligations by suggesting that the prospect of conflicting UN Charter obligations may justify non-execution of an ICC arrest warrant, departing from the established jurisprudence on the inapplicability of personal immunities under Articles 27 and 98 of the Rome Statute.

Non-cooperation in the case of Palestine: airspace transit

While under a public arrest warrant by the ICC, Israeli Prime Minister Netanyahu has repeatedly transited through the airspace of several State Parties, including Canada, Greece, Italy and France. Civil society organisations, including several Palestinian human rights organizations and Amnesty International have, over the past years, denounced the decision to allow Netanyahu to transit through their airspace without executing the warrants of arrest on the grounds that States Parties' obligations to cooperate with the Court extend to all areas falling within their jurisdiction, including airspace.

Cooperation makes justice possible: the surrender of El Hishri

The Libya situation also provides a powerful demonstration of what effective State cooperation can achieve. German authorities arrested Khaled Mohamed Ali El Hishri on 16 July 2025 pursuant to an ICC arrest warrant. On 1 December 2025, Germany surrendered him to the Court. His initial appearance followed, on 3 December 2025, and a confirmation of charges hearing was held from 19 to 21 May 2026. On 16 July 2026, Pre-Trial Chamber I unanimously confirmed all **17 charges of crimes against humanity and war crimes** against El Hishri and committed him to trial. His trial is scheduled to begin on 4 May 2027.

This is why State cooperation is not an abstract institutional requirement: It determines whether an ICC arrest warrant remains a piece of paper or becomes a functioning judicial process.

From judicial findings to meaningful political follow-up

The Italy and Tajikistan referrals also place responsibility squarely on the Assembly. Article 87(7) is not simply a mechanism for publicly identifying non-compliant States. The Court has explained that its purpose is to enhance the effectiveness of the cooperation regime by allowing it to seek external assistance where necessary to address a failure to cooperate.

Judicial findings must therefore be followed by meaningful political and diplomatic engagement. The Assembly, its President, Bureau, focal points and individual States

Parties all have roles to play in preventing non-cooperation, responding when it occurs and promoting future compliance.

ASP25 will be an important test of this system. The Assembly should give sustained attention to the follow-up of referred cases, including Italy and Tajikistan, and ensure that its procedures produce transparent, consistent and meaningful follow-up. Otherwise, there is a risk that formal findings of non-cooperation become an endpoint rather than a mechanism for restoring cooperation.

Civil society has consistently stressed that cooperation has direct consequences for victims and survivors as underlined by Lawyers for Justice in Libya: "After the return of Elmasry by Italy to Libya, victims in Tripoli told Lawyers for Justice in Libya about their fear of reprisals, as Elmasri was now aware that they had provided critical information to the Office of the Prosecutor (OTP) to build their case against him. Similarly, six outstanding arrest warrants for crimes in Tarhuna offered victims a rare sense of hope, but with no arrests made and suspects again becoming influential in the city, many victims now feel abandoned".

Political support for the ICC must translate into cooperation in practice. States Parties must demonstrate that Court orders are applied consistently, that failures to cooperate receive meaningful follow-up, and that ICC arrest warrants cannot simply be ignored when compliance becomes politically inconvenient.

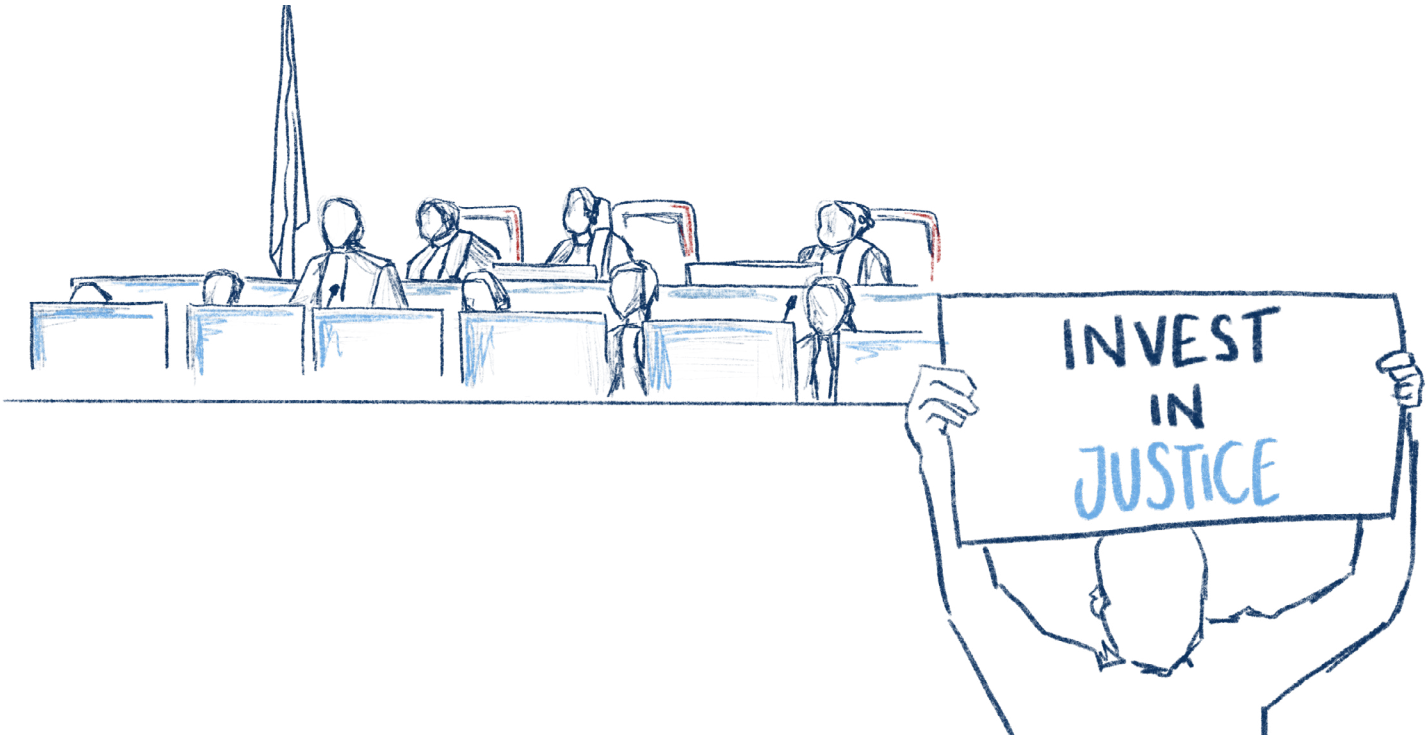
Key **Recommendations** ahead of ASP25

To strengthen cooperation with the Court and ensure effective follow-up to non-cooperation, the Coalition calls on States Parties to:

- **Fully and consistently comply with their cooperation obligations under the Rome Statute**, including by executing requests for arrest and surrender and providing other forms of assistance required by the Court;
- **Reject selective cooperation and double standards**, ensuring that political alliances, national interests or the identity of a suspect do not determine whether ICC requests are executed;
- **Consult promptly and genuinely with the Court when difficulties arise**, including through Article 97, rather than acting unilaterally;
- **Reaffirm that Article 97 consultations cannot suspend or displace their obligation to arrest and surrender ICC suspects,** and call on the Court to ensure that any alleged conflict of obligations is assessed narrowly and consistently with its established jurisprudence, without creating a precedent for politically motivated exceptions;
- **Ensure meaningful, transparent, consistent and sustained ASP follow-up to judicial findings and referrals of non-cooperation,** including the matters concerning Italy and Tajikistan, and require clear remedial action aimed at ensuring future cooperation;

- **Strengthen prevention of non-cooperation,** including through early diplomatic engagement, timely sharing of information concerning potential travel by ICC suspects, coordinated arrest strategies and effective use of the Assembly's non-cooperation focal points;
- **Uphold the Assembly's "no business as usual" approach**, avoiding non-essential contacts with persons subject to ICC arrest warrants and ensuring that States Parties do not provide safe haven to ICC suspects, including ensuring by not allowing those under ICC arrest warrants to fly over the territory of state parties; and
- **Keep non-cooperation under sustained scrutiny at ASP25 and throughout the intersessional period,** recognising that the effectiveness of the Court ultimately depends on States giving practical effect to its judicial decisions.

Upcoming Cases
Duterte and El Hishri



The Prosecutor v Rodrigo Roa Duterte (Situation in the Philippines)

Summary of the facts: Rodrigo Duterte, former President of the Philippines, is alleged to have been an indirect co-perpetrator of crimes committed during the so called "war on drugs" in the Philippines while he was the mayor of Davao city and the President of the country. Thousands of people, the vast majority from poor and marginalized communities, were killed by the police or by armed individuals with links to them for allegedly using or selling drugs. The crimes were allegedly carried out from 1 November 2011 to 16 March 2019 by the Davao Death Squad (DDS) and later the National Network, as part of a "widespread and systematic attack against the civilian population in the Philippines". He was arrested by Philippine authorities and surrendered to the ICC on 12 March 2025.

Charges: On 23 April 2026, Pre-Trial Chamber I unanimously confirmed all the charges against Duterte, comprising three counts of crimes against humanity, and committed him to trial. The counts cover murders alleged to have been committed in or around Davao City by the Davao Death Squad during the mayoral period, murders of "high-value targets" during the presidential period, and murders and attempted murders in barangay clearance operations during the presidential period. The charges involve 78 specific alleged victims

(76 murders and 2 attempted murders). This is the first case from the Philippines situation to go to trial.

The jurisdiction of the Court in the context of withdrawal: The Appeals Chamber confirmed that the Court retains jurisdiction for alleged crimes committed until the Philippines' withdrawal from the Rome Statute entered into force on the 17th March 2019.

Next hearing: The trial is scheduled to open on **30 November 2026** before Trial Chamber III, which coincides with the opening of ASP25.

| The Philippines Coalition for the ICC is has stated that:

> *"Accountability must not stop with one individual. We call for the prompt issuance of arrest warrants against the alleged co-perpetrators identified in the proceedings. Justice demands that all those who participated in the planning, ordering, and execution of these crimes be brought within the reach of the law. We further urge that additional charges, including those related to torture, illegal arrests, arbitrary detention, and sexual abuse, be fully investigated and pursued where warranted."*

The Prosecutor v Khaled Mohamed Ali El Hishri (Situation in Libya)

Summary of the facts: Mr El Hishri is alleged to have been one of the most senior officials at Mitiga Prison, where thousands of persons were arbitrarily detained for prolonged periods and subjected to torture and other cruel, inhuman or degrading treatment or punishment. The alleged crimes took place between 1 May 2014 and 30 June 2020 at Mitiga Prison and other locations under the control of the prison's leadership, against detainees who included Libyan and non-Libyan migrants and refugees. He was arrested by German authorities on 16 July 2025 and surrendered to the Court on 1 December 2025.

Charges: On 16 July 2026, Pre-Trial Chamber I unanimously confirmed all charges of crimes against humanity and war crimes and committed him to trial. There are 17 counts, covering torture, outrages upon personal dignity, rape and sexual violence, enslavement, murder of several detainees, and persecution. This is the first case from the Libya situation to go to trial.

Next hearing: Trial Chamber VII scheduled the opening of the trial for 4 May 2027.

> *"The prosecution of Mr El Hishri comes at a critical moment for Libya. The Court and State Parties must continue to support civil society working with victims in and outside Libya to ensure that the proceedings in The Hague do not stay in The Hague, but resonate in and with the people in Libya, and help turn the tide of over a decade of impunity."*

| Underscores Jürgen Schurr, Director of Programmes at Lawyers for Justice in Libya.

Proposed Amendments To The Rome Statute

Improving the jurisdiction of the Court over the crimes of Slavery and the Trade, Ecocide and the Crime of Aggression

Crime of Aggression: A Call to States Parties to Take the Opportunity for Reform in 2029

*Civil society organisations have been mobilising around the amendment on the crime of aggression for years to ensure the ICC is able to prosecute the crime of aggression under the same conditions that apply to the other three core international crimes and prevent impunity. The statement below is a collective statement co-signed by civil society organisations and drafted by members of the CICC amendments team.**

In 2029, States Parties to the Rome Statute will have another crucial opportunity to strengthen the jurisdiction of the International Criminal Court (ICC) over the crime of aggression. Following the failure to adopt the necessary amendments at the July 2025 Special Session, we respectfully call on all States Parties to seize this important occasion and work determinedly towards the adoption of the required Rome Statute amendment.

Particularly in times when imperialist politics and the use of force are gaining traction, **the international community urgently needs a legal framework that can end impunity and effectively deter State leaderships from waging aggressive wars and other acts of aggression.** To advance these goals, **the ICC must be able to prosecute the crime of aggression under the same conditions that apply to the other three core international crimes.** Recourse to aggression in recent years has painfully illustrated that this reform is crucial and long overdue.

The current legal framework for the prosecution of the crime of aggression is too limited and leads to glaring accountability gaps. The crime of aggression is a leadership crime, committed by those "in a position effectively to exercise control over or direct the political or military action of a State". The ICC, as the international court with universal aspirations and thus particularly suited and legitimized to focus on the highest-ranking perpetrators, should be enabled to effectively end impunity for "the most serious crimes of concern to the international community as a whole". However, due to the restrictive jurisdictional regime implemented for the crime of aggression in Art. 15bis Rome Statute, the ICC is currently precluded from doing so in most instances.

For the other three core crimes, in cases of proprio motu investigations or State Party referrals, Art. 12 Rome Statute provides for ICC jurisdiction where the crime is committed

on the territory, or by a national, of a State Party or a State lodging an ad hoc acceptance of jurisdiction. This also covers crimes committed by non-State Party nationals if committed on the territory of a State Party. By contrast, concerning the crime of aggression, **the ICC cannot exercise its jurisdiction if the crime is committed by non-State Party nationals or on the territory of non-States Parties (Art. 15bis (5)), except if the Security Council refers the situation to the Court (Art.15ter).** This holds true independently of whether it is a State Party that is being attacked by a non-State Party. Moreover, States Parties have the option to declare that they do not accept jurisdiction (Art. 15bis (4)). While the UN Security Council remains competent to refer situations (Art. 15ter), its veto structure poses a persistent risk of deadlock where proposed referrals implicate permanent members or their allies due to the possible use of the veto power. The current legal framework thus leaves it to the most powerful States (under Art. 15ter) to decide whether leaders excluded from the Court's jurisdiction under Art. 15bis may be held accountable for the crime of aggression.

States Parties must prioritize remedying this dire situation. This is not only crucial to discourage State leaders from waging aggressive wars and committing other acts of aggression against other States, but also to provide another layer of protection for States at risk of becoming victims of aggression. **Only an amendment of the Rome Statute's jurisdiction over the crime of aggression can help ensure that States Parties are better protected against the commission of that crime and that the ICC is able to ensure accountability for such violations.**

The amendment is also crucial to hold accountable those responsible for causing immense suffering to entire populations, including soldiers on all sides, as well as civilians subjected to attacks, not all of which can be prosecuted as war crimes but are part of the aggression. Finally, as a matter of consistency and legitimacy of the international justice system, its framework must ensure accountability not only in a few instances, but with the aspiration to uphold the **prohibition of the crime of aggression as universally as possible, without selectivity and double standards.**

By resolution adopted in Kampala in 2010 (RC/Res.6(4)), States Parties mandated a review of the crime of aggression to take place seven years after the beginning of the ICC's exercise of jurisdiction over the crime (in 2018), which thus became due in 2025. In advance of the July 2025 session, a cross-regional group of States submitted an amendment proposal to harmonize the Court's jurisdiction. While consensus on the adoption of the amendments was not reached, **States Parties decided by resolution (ICC-ASP/S-1/Res.1(2)) to convene another Special Session in 2029 to consider the submitted amendment proposal, to hold an intersessional meeting in 2027, and to establish a dedicated subgroup of the Working Group on Amendments to take this process forward.**

In preparation for the Special Session in 2029, we call for a transparent and inclusive process appropriate to achieve harmonization of the Court's jurisdiction over the four core crimes. We welcome the Assembly of States Parties' commitment to strengthening the Court's jurisdiction over the crime of aggression and urge States parties to finally seize the opportunity to close accountability gaps.

Against this background, **we call on States Parties to:**

- **Take the steps necessary towards an amendment to harmonize the ICC's jurisdiction over the crime of aggression.** States Parties should use the 2029 Special Session to amend Article 15bis of the Rome Statute to bring the conditions for the exercise of jurisdiction over the crime of aggression in line with the other Rome Statute crimes, thus closing the existing accountability gap.
- **Reaffirm their commitments to uphold the prohibition of the use of force.** States Parties should further uphold and honor their obligations under international law by refraining from committing acts of aggression, by protecting their populations from such acts committed by others, including through enhanced legal protection, and by clearly denouncing violations of the prohibition of the use of force by other States.
- **Strengthen and defend the integrity of the ICC.** In the face of growing political pressure aimed at undermining international justice institutions, and the ICC in particular, States Parties must recommit to the ICC's independent mandate and provide it with the political and financial support it needs to fulfill its mandate, including through an amendment to strengthen its jurisdiction over the crime of aggression.
- **Ensure inclusive preparatory and negotiation processes.** Deliberations and eventual negotiations around jurisdictional reform must be led across regional borders in the spirit of inclusivity and respect.
- **Guarantee the meaningful participation of civil society and survivors**. The perspectives of civil society organizations and those directly affected by acts of aggression are crucial for a legitimate and effective process. States Parties should commit to providing access and opportunities for their meaningful engagement at every stage.
- **Maintain transparency throughout the processes.** States Parties should ensure discussions remain accessible, with a sense of accountability, including through regular reporting and the provision of relevant documentation to all stakeholders.

**Civil society organisations that have signed the statement include: A world without chemical and biological weapons, Action des Chrétiens Activistes des Droits de l'Homme à Shabunda (ACADHOSHA), Asociación española para el derecho internacional de los derechos humanos, (AEDIDH), Center for Clean and Green Governance (CCGG), Center for Truth and Justice, Colombes de la Nature (CDN), Democracy Today, Eesti ÜRO Ühing, European Center for Constitutional and Human Rights (ECCHR), Global Initiative against Impunity (GIAI), Global Justice Intelligence Eyes, Inc., Human Rights Centre ZMINA, ImPact Coalition on Strengthening International Judicial Institutions, International Commission of Jurists, Norwegian Section (ICJ Norway), International Community for Georgia Development and the Progress, International Service for Human Rights, Iranian Center for International Criminal Law, Keen and Care Initiative (KCI), Kenya Human Rights Commission, Kurdish organizations Network coalition for the International Criminal court (KONCICC), Kurdistan organizations Network to Abolish Nuclear and Mass Destruction Weapons-KNOW, Kurdistan without Genocide, Lawyers Committee on Nuclear Policy, Legal Defence & Assistance Project (LEDAP), Life campaign to abolish the death sentence in Kurdistan Network, LIGUE POUR LA PAIX, LES DROITS DE L'HOMME ET LA JUSTICE (LIPADHOJ), Nonviolence International, Organization Against Weapons of Mass Destruction in Kurdistan, Norwegian Helsinki Committee, Organization of the Justice Campaign- OJC, Platform for Peace and Humanity, RAWSA Alliance for African and Arab States, RootsAction, StoptheDrugWar.org, Students for Global Democracy Uganda, Synergy for Justice, The Global Institute for the Prevention of Aggression, The Siracusa International Institute for Criminal Justice and Human Rights, Trial International, World BEYOND War, Youth Compassion for Humanity Uganda, Youth For Peace And Dialogue between Cultures*

Proposed Amendment on "Slavery" and "Trade"

The crimes of "Slavery" and "The Slave Trade"

Slavery (or "enslavement") is the exercise of any or all powers attaching to the right of ownership over a person. Slavery is defined under the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention.

The slave trade, also defined in the same Conventions, covers reducing a free person to a situation of enslavement and further disposing, selling, exchanging, transferring, or transporting an enslaved person into any other situation of enslavement. All persons who are reduced to slavery are first slave traded, except when children are born into slavery.

Slavery and the slave trade often occur in tandem: a person may be traded into slavery, held in slavery and then traded again, in a repeated cycle, or sold successively from one slave trader to another. Slavery and the slave trade are prohibited under international law, as peremptory norms. Their prohibitions must be respected under all circumstances including during armed conflicts. They constitute war crimes and crimes against humanity under treaty law and customary international law, which applies to all states.

Yet, legal gaps exist under the Rome Statute regarding slavery and the slave trade, allowing impunity to prevail for these international crimes.

Gaps in the Rome Statute and risks of impunity

Slavery or "enslavement" is prohibited as a crime against humanity but not as a war crime, neither during international nor non-international armed conflicts. Only acts of sexual slavery are listed as war crimes.

In **El Hishri**, detainees at Mitiga Prison, including migrants, were held in the context of a non-international armed conflict and forced to support the war effort.[1] Their enslavement could nonetheless only be charged as a crime against humanity, since slavery is not listed as a war crime.[2] The case has been committed to trial.

In **Ongwen**, while the accused was convicted of sexual slavery as a war crime,[3] no child soldiers, nor any children under 18 years of age, nor any adults could be fully characterized as having been enslaved due to the absence of provisions for slavery as war crimes.[4]

1 Prosecutor v Khaled Mohamed Ali El Hishri, Decision on confirmation of the charges against Mr Khaled Mohamed Ali El Hishri, 16 July 2026, §64–79, 74, 112.

2 Ibid, §120.

3 Prosecutor v. Dominic Ongwen, Trial Judgment, 4 February 2021, p. 1076

4 Ibid, §3050-3055

The "slave trade" is not prohibited under the Rome Statute, neither as a crime against humanity nor as war crimes.

In **Ntaganda**, acts of the slave trade, such as abductions and kidnappings of women and girls, could not be correctly characterized and charged. The impunity gap disproportionately affected adult women who were abducted for the purposes of sexual violence, but were not recognized as victims of the slave trade and for whom the Chamber, subsequently, found insufficient evidence of "exercise of powers of ownership" and could thus not be recognized as victims of slavery.[5]

In **Al Hassan**, transfers of young women by "intermediaries" and prospective "husbands" to situations of enslavement in the form of "forced marriages," as well as transfers between different locations (e.g., house where they were held to the prison contraceptive pills and back to the house) could not be legally characterized as acts of the slave trade.[6]

Sierra Leone's proposed amendment to the Rome Statute

In order to remedy to this legal gap, Sierra Leone submitted a proposal to the UN Secretary-General on 16 April 2025, which is now under consideration by the ASP's Working Group on Amendments. The amendments would include provisions prohibiting the slave trade as a crime against humanity, under Article 7(1)(c), and slavery and the slave trade as war crimes in international as well as non-international armed conflicts, under Articles 8(2)(b) and 8(2)(e) (see full proposal in Annex I). At the Working Group's meeting of 20 July 2026, the proposal received a generally positive reception from participating delegations, although one ASP member requested further technical clarification. Sierra Leone has committed to addressing the remaining technical questions in writing and through the informal Group of Friends, with the aim of achieving adoption consensus ahead of ASP26.[7]

A historical opportunity to prevent impunity - why it matters?

These amendments represent a historical opportunity for ASP States to close the impunity gap on the crimes of slavery and the slave trade under the Rome Statute. It sends a clear message to victims and survivors that perpetrators of slavery crimes will not go unpunished.

The proposed amendments are based on a straightforward legal issue. Slavery and the slave trade are long-standing prohibitions under international law, recognised as jus cogens values. The proposed amendment, therefore, fills a significant legal gap in the Rome Statute.

5 Prosecutor v. Bosco Ntaganda, Trial Judgment, 8 July 2019, §957.

6 Prosecutor v. Al-Hassan, Trial Judgment, 26 June 2024, §1441-1448.

7 Informal Summary of the Working Group of Amendments Second Meeting on 20 July 2026

While the amendments would not render States parties to the Rome Statute liable for reparations for historic slavery and slave trade crimes, they will enable contemporary victims and survivors of slavery and slave trade crimes to access justice and reparations under the Rome Statute.

Furthermore, in recent years, acts of the slave trade and slavery have been prosecuted in national courts in Germany,[8] Guatemala,[9] Colombia,[10] Uganda,[11] Sweden,[12] and The Netherlands.[13] Since the last session of the Assembly, convictions for enslavement have been upheld in Sweden[14] and The Netherlands[15], and new convictions have been delivered in France[16] and Germany[17]. Yet, at the ICC, even when victims had been bought, sold and transferred between perpetrators, such acts cannot be prosecuted as the slave trade. The proposed amendments will promote harmonization of slavery and slave trade provisions in national and the international justice system.

Finally, this amendment will allow the Office of the Prosecutor to investigative and prosecute individuals involved in the commission of slavery and the slave trade during armed conflict and periods of crimes against humanity. The proposed amendments will have a deterrent effect for anyone involved in the direct or indirect perpetration of these slavery crimes.

Proposed Amendment related to the Crime of Ecocide

Understanding Ecocide

Ecocide may be defined as "unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts".[18] This definition was created by an Independent Expert Panel of top lawyers convened by the Stop Ecocide Foundation in 2021.

8 Germany, Higher Regional Court of Frankfurt am Main, Judgment, 5-3 StE 1/20-4-1/20, 30 November 2021.

9 Guatemala, Tribunal de Sentencia Penal de Mayor Riesgo "A", Judgment, Sentencia C-15002-2014-00315, 24 January 2022.

10 Colombia, Jurisdicción Especial para la Paz, Macrocase 01, 29 April 2024.

11 Uganda v. Kwoyelo, Judgment, HCT-00-ICD-SC-02 OF 2010, 13 August 2024.

12 Lina Ishaq, Stockholms Tingsrätt, Avdeling 4, 11 February 2025, B 3210-23.

13 Hasna A., Rechtbank Den Haag 11 December 2024, ECLI:NL: RBDHA:2024:20594.

14 Lina Ishaq (Svea hovrätt, 11 November 2025), upholding Lina Ishaq (Stockholms tingsrätt, 11 February 2025) B 3210-23.

15 Hasna A (Gerechtshof Den Haag, 25 March 2026) 22-004347-24, upholding Hasna A (Rechtbank Den Haag, 11 December 2024) ECLI:NL:RBDHA:2024:20594.

16 Sabri Essid (Cour d'assises de Paris, 20 March 2026) No 24/183 (judgment by default).

17 Twana HS and Asia RA (Oberlandesgericht München, 13 July 2026) 8 St 4/24.

18 Stop Ecocide Foundation, Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text (June 2021).

Environmental destruction affects the livelihoods, culture, and survival of whole communities.[19] The damages are often irreversible, cross-border, and have cascading effects on entire ecosystems and species, and on food, water, and the health of those who depend on them.[20] It often falls harder on those who least contribute to the damages.

Yet those responsible for the most severe environmental destruction largely escape accountability, as international criminal law reaches such harm only in narrow circumstances or where it forms part of another crime.

Gaps in the Rome Statute

Under the Rome Statute, environmental damage is explicitly criminalised only as a war crime in international armed conflict. Under Article 8(2)(b)(iv) of the Rome Statute, the Court has jurisdiction over attacks launched in the knowledge that they will cause widespread, long-term, and severe damage to the natural environment which would clearly be excessive in relation to the anticipated military advantage.[21]

Environmental damage caused outside international armed conflict is not recognised as a stand-alone crime under the Statute. The Rome Statute contains no equivalent provision for non-international armed conflicts or for peacetime. The Office of the Prosecutor's 2025 "Policy on Addressing Environmental Damage Through the Rome Statute" is an important step towards integrating environmental harm into the Court's work.[22] However, as the Policy itself makes clear, it does not expand the Court's jurisdiction. Without an amendment, environmental destruction remains within reach only where it can be tied to an existing crime.

Vanuatu, Fiji and Samoa's proposed amendment to the Rome Statute

Vanuatu first called on States parties to consider Ecocide as a crime under the Rome Statute in 2019 during the General Debate of the 18th session of the Assembly of States Parties.[23] On the 9th September 2024, Vanuatu, Fiji, and Samoa formally submitted a proposal to the United Nations Secretary-General and to the Working Group on Amendments of the ASP.[24] The amendment would add "ecocide" as a fifth core crime within the jurisdiction of the

19 Human Rights Research Center, "Indigenous Survival in the Face of Environmental Damage", 13 May 2025.

20 Barbara Fraser, "Oil spills trigger a cascade of consequences", Traces of Oil, Montañas y Selva project, InquireFirst, 2022.

21 Rome Statute of the International Criminal Court, 17 July 1998, Article 8(2)(b)(iv).

22 International Criminal Court, Office of the Prosecutor, Policy on Addressing Environmental Damage Through the Rome Statute, 4 December 2025.

23 Statement by the Republic of Vanuatu, delivered by Ambassador John Licht, General Debate, 18th session of the Assembly of States Parties to the Rome Statute, The Hague, 2 December 2019.

24 Assembly of States Parties, Report of the Working Group on Amendments, ICC-ASP/23/26, 1 December 2024, Annex II ("Proposal submitted by Vanuatu to amend the Rome Statute").

Stop Ecocide International, "Mass destruction of nature reaches International Criminal Court (ICC) as Pacific island states propose recognition of 'ecocide' as international crime", 9 September 2024.

Court alongside genocide, crimes against humanity, war crimes, and crime of aggression. Vanuatu will not seek a formal decision on the proposal at ASP25, but continue to encourage discussions among States Parties.[25]

Why it matters?

This amendment represents a historic opportunity for ASP members to close the impunity gap for the most serious harms to the environment. It would be the first new crime to be added to the Rome Statute since its adoption in 1998, and it sends a clear message that those who perpetrate mass destruction of nature will not go unpunished.

The proposed amendment responds to a clear legal gap. The preamble of the Rome Statute recognises that grave crimes threaten the peace, security and well-being of the world. Severe environmental destruction does exactly that. The suggested amendment, which would apply in peacetime as well as during armed conflict and set a threshold of severe and either widespread or long-term damage, would allow the Court to address harms currently beyond its reach.

Furthermore, in recent years, States including Belgium[26], France[27], and the European Union's revised Environmental Crime Directive[28] have increasingly recognised ecocide or comparable conduct in their national and regional legal frameworks. The proposed amendment would promote harmonisation between national, regional and international approaches to the gravest environmental crimes.

Finally, the amendment would allow the Office of the Prosecutor to investigate and prosecute individuals bearing the greatest responsibility for ecocide and would have a deterrent effect on anyone involved in its direct or indirect perpetration. For small island developing States and communities facing environmental loss today, it would open a pathway to international criminal justice for the most severe environmental harm, which does not currently exist.

25 Informal Summary of the Working Group of Amendments Third Meeting on 14 September 2026

26 Belgium, Criminal Code (Code pénal / Strafwetboek), Book II, Title 2, Article 94, introduced by the Law of 29 February 2024 introducing Book II of the Criminal Code, Moniteur belge, 8 April 2024, p. 40548.

27 France, Environmental Code (Code de l'environnement), Article L. 231-3, introduced by Article 280 of Law No. 2021-1104 of 22 August 2021 on combating climate change and strengthening resilience to its effects (loi "Climat et Résilience"), Journal officiel.

28 Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, Official Journal of the European Union, L series, 30 Apr.

Annexes

Annex 1 : Proposed amendment “Slavery” and the “Slave Trade”

The Proposed amendment: [29]

Rome Statute, Article 7
Crimes against humanity

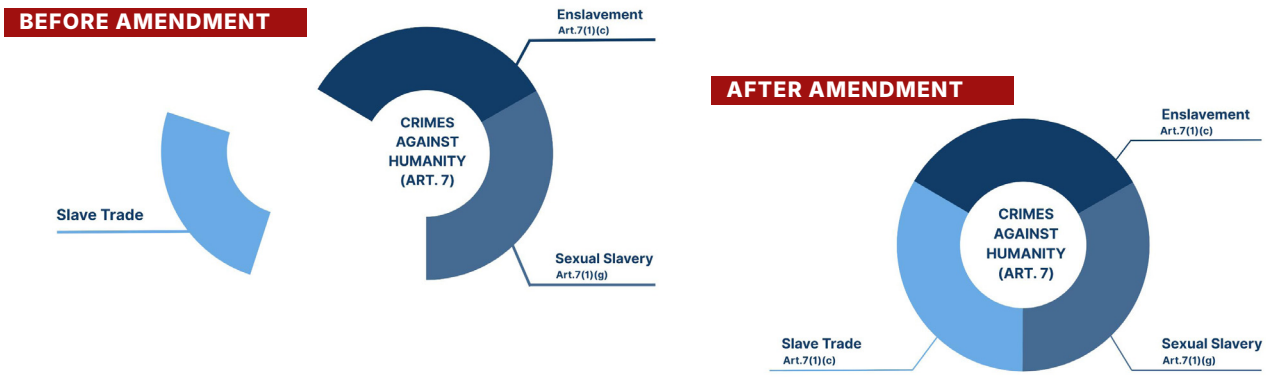
1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(c) Enslavement, ***and/or the slave trade;***

Rome Statute, Article 7
Crimes against humanity

2. For the purpose of paragraph 1:

(c) “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person. “Slave trade” means all acts involved in the capture, acquisition or disposal of a person with intent or knowledge to reduce that person to slavery; all acts involved in the acquisition of an enslaved person with a view to selling or exchanging that person; all acts of disposal by sale or exchange of a person acquired with a view to being sold or exchanged, and, in general, every act of trade or transport of an enslaved person by whatever means of conveyance.



29 UN Secretary-General (Depositary), ‘Sierra Leone: Proposal of Amendments’ (Depositary Notification C.N.175.2025. TREATIES-XVIII.10, 16 April 2025). The proposal as circulated by the depositary numbers these provisions as article 8(2)(b)(xxvii)–(xxviii) and article 8(2)(e)(xvi)–(xvii), but the numbering in this document has been updated to reflect the amendments to article 8 adopted in 2017 and 2019;

Rome Statute, Article 8

War Crimes

2. For the purpose of this Statute, "war crimes" means:

(b) Other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law, namely, any of the following acts:

(i- xxix)

(xxx) Committing slavery as defined in article 7, paragraph 2 (c).

(xxxi) Committing the slave trade as defined in article 7, paragraph 2 (c).

Rome Statute, Article 8

War Crimes

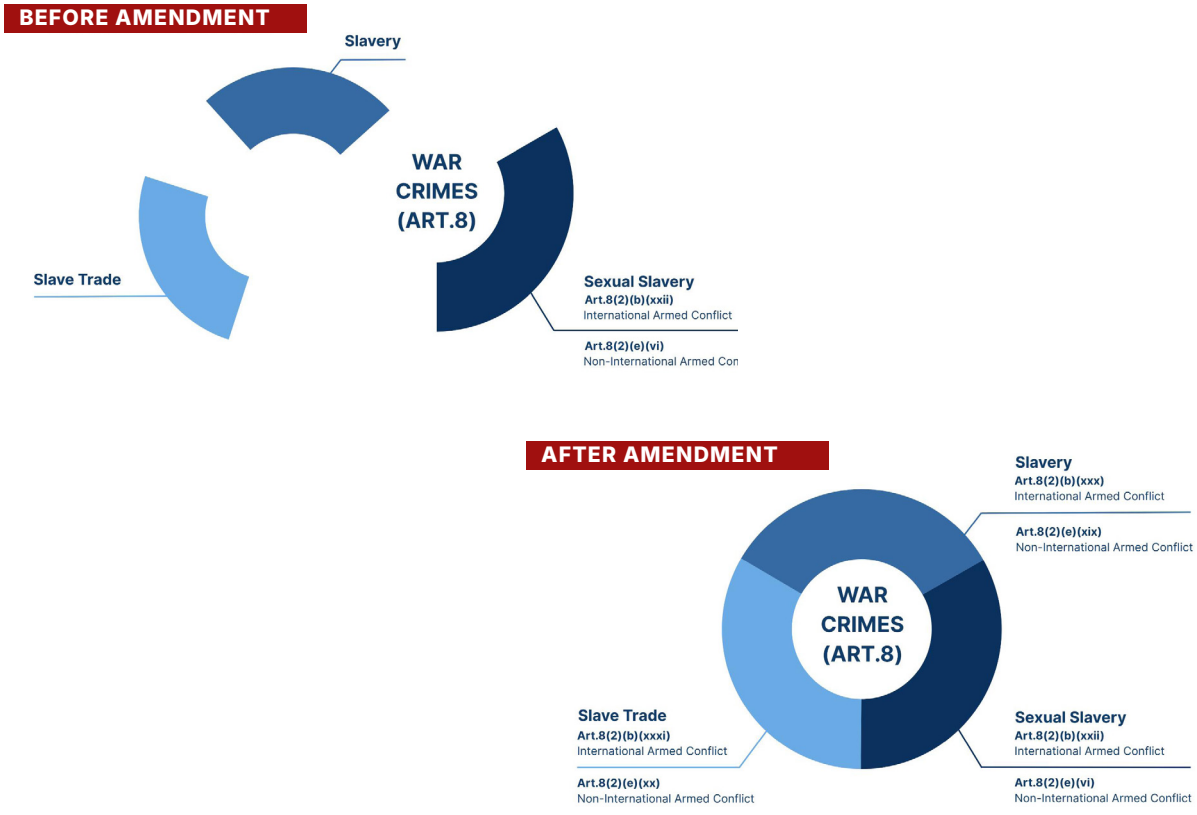
2. For the purpose of this Statute, "war crimes" means:

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i-xix)

(xx) Committing slavery as defined in article 7, paragraph 2 (c).

(xxi) Committing the slave trade as defined in article 7, paragraph 2 (c).



Annex 2: Proposed amendment “Ecocide”

The Proposed Amendment:[30]

Addition of a preambular paragraph 2bis:

“Concerned that the environment is daily threatened by severe destruction and deterioration, gravely endangering natural and human systems worldwide,”

Rome Statute, Article 5

Crimes within the jurisdiction of the Court

The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

(a) The crime of genocide;

(b) Crimes against humanity;

(c) War crimes;

(d) The crime of aggression;

(e) The crime of ecocide.

Rome Statute, Article 8ter

Ecocide

1. For the purpose of this Statute, “ecocide” means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.

2. For the purpose of paragraph 1:

(a) “Wanton” means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;

(b) “Severe” means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;

(c) “Widespread” means damage which extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings;

(d) “Long-term” means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;

(e) “Environment” means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space.

30 Assembly of States Parties, Report of the Working Group on Amendments, ICC-ASP/23/26, 1 December 2024, Annex II (“Proposal submitted by Vanuatu to amend the Rome Statute”).

“THESE ARE DIFFICULT TIMES FOR THE RULE OF LAW AND LEGAL BASED ORDER, BUT THIS IS WHEN WE HAVE TO FIGHT THE HARDEST”.

Judge Prost, International Criminal Court

