



SUMMARY REPORT

Assembly of States Parties – 19th Session

14-16 December 2020 The Hague / I Resumption 18-23 December 2020 New York /
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The COALITION FOR THE INTERNATIONAL CRIMINAL COURT several non-governmental organizations around the world working in partnership to strengthen international cooperation with the International Criminal Court; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity, and genocide.

The Coalition Secretariat would like to thank the donors who have supported and continue to support the Coalition's work: the governments of Austria, Finland and The Netherlands. The contents of this publication are the sole responsibility of the Coalition for the International Criminal Court and should in no way be taken to reflect the views of any donor.

The CICC Summary Report of the 19th session of the Assembly of States Parties has been prepared by the CICC Secretariat with support from the CICC ASP Working Group, comprised of CICC Steering Committee and other members.

The CICC Secretariat would like to also acknowledge the invaluable contribution provided by our interns to the preparation of the ASP19 Summary Report: Jill van Hellemond, Eva Martinez Ruiz, Pauline Bove.

The Coalition Secretariat takes all care to ensure accuracy. Corrections and additions are always welcome. For more information about the Coalition, please visit: www.coalitionfortheicc.org

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30 April 2021

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ACTING CONVENOR'S NOTE

The 19th Assembly of States Parties session was marked by the unique challenges presented by the global Covid-19 pandemic, which did not diminish the need to take decisions on crucial matters to the International Criminal Court's future. Despite the constraints imposed by the restrictions to manage the pandemic, the Coalition for the ICC and its members continued to work together as the world's largest civil society partnership for international justice through online platforms and creative remote collaboration. Our collective efforts allowed us to discharge our responsibilities to hold the Court and its States Parties to the norms of fair, effective, and independent justice to which they aspire, but also to continue to serve as a bridge between the Court and the communities its work affects the most, the people for whom justice and accountability matter before, during and after the ICC becomes involved, and for whom convictions and acquittals are but a small part of the story.

The workload of the Assembly was equally unprecedented, with elections that will impact the Court's leadership and that of the ASP itself. The newly elected Judges, the new Prosecutor, the new ASP Presidency and Bureau will all have a lasting impact in the efficacy of the ICC for years to come. In parallel, the Review process will continue to offer a fresh opportunity to bring states, court officials, experts and civil society closer together in our joint, ongoing effort to strengthen the work of the Court and its ability to serve the communities affected by that work, and bring the Court's mandate to its full potential.

This ASP was also marked by the strong statements of support to counter the unprecedented political attacks against the Court, whose only transgression has been to strive for justice, accountability and redress for victims. While the global political landscape may be changing, there is a need for constant vigilance in order to protect the Court's mandate from unwarranted attacks and interference.



2020 has been a difficult year, but as we step into a new year, many of us are breathing sighs of relief, with hopes for better days to come. As civil society, we continue to believe in the Court, and the Rome Statute system and what it stands for, perhaps now more than ever, and continue to support, defend, and protect those who risk their security and well-being as human-rights defenders in service of the world's most vulnerable people in 2021 and the years to come.

A handwritten signature in blue ink, appearing to read 'Melinda Reed'.

Melinda Reed
Acting Convenor
Coalition for the International Criminal Court

1. INTRODUCTION

This report is an informal summary of the 19th session of the Assembly of States Parties to the Rome Statute (ASP), which took place in a hybrid in-person and virtual format as a consequence of the restrictions on in-person meetings. The ASP took place from 14 to 16 December 2020 in The Hague, Netherlands; it resumed for a first time from 17 to 23 December 2020 and for a second time on 12 February 2021, both in New York, USA.

This report was prepared by the Secretariat of the Coalition for the International Criminal Court (Coalition) in order to summarize the activities of the 19th session of the ASP, discussions, decisions and developments within the framework of the ASP Bureau's working groups, as well as key Coalition initiatives on the sides of the Assembly.

Since 1995, the Coalition has led the civil society effort that successfully campaigned for the adoption of the Rome Statute in 1998, and the creation of a permanent international court to hold to account perpetrators of serious crimes under international law, including genocide, war crimes and crimes against humanity. The International Criminal Court (ICC) was established just four years later. On 17 July 2018, 20 years after the adoption of the Statute, the ICC's exercise of jurisdiction over the fourth core international crime—the crime of aggression—entered into force.

Since the Court's establishment, the Coalition has facilitated unprecedented access and participation by global civil society in the ICC process, including its governance by the ASP. At the 2003 ASP session, the Coalition was recognized by States Parties, for its “coordinating and facilitating role” in an ASP resolution. During the 17th session, the States Parties reaffirmed the Coalition's critical role, while also recalling, “*in light of the 20th anniversary of the Rome Statute, the long-term and continuing cooperation between the Assembly, State Parties, and non-governmental organizations of civil society.*”¹

The consultative arrangements for NGOs provided opportunities to reinforce defined goals within the Rome Statute system, such as full and effective implementation of the Statute into domestic jurisdictions; burden-sharing to ensure the Court receives cooperation where it is needed; and a strengthened Statute and legal institution to confront modern challenges in the investigation and prosecution of international crimes.

As in previous years, civil society participating at the 19th ASP session coordinated its activities through the Coalition. In discharging its convening role at the 19th session, the Coalition facilitated the participation of over 370 participants from almost 145 organizations from all parts of the world, making their opinions and recommendations known to the ICC governing body during the ASP session. This report provides just a small sampling of the diverse civil society perspectives brought into the ICC governing process despite the challenges posed by the global pandemic, primarily through enhanced dialogues taking place in side events arranged by NGOs ahead of the ASP session.

For more information on the day-to-day developments during the session, a background guide to the ASP session, as well as advocacy tools prepared by Coalition, please visit the Coalition's dedicated [19th ASP session website page](#) and read our [ASP19 daily summaries](#).

¹ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/RES-5-ENG.pdf, Section W, para. 156

2. OPENING SESSION

The 19th ASP session opened in The Hague on Monday 14 December 2020 with a plenary session dedicated to preliminary (and administrative) tasks. The Assembly begun by formally adopting the agenda of the 19th session, and proceeded with the appointment of the Credentials Committee and the organization of work.

In his opening keynote speech, the [Dutch Minister of Foreign Affairs Mr Stef Blok](#), reaffirmed the need for States Parties to support and facilitate the work of the Court and condemned the sanctions placed on ICC officials by the United States government. Mr Blok noted that while the system of international justice faces unprecedented pressure, progress is still being made, both in the courtroom with the advancement of cases and with regards to the improvement of the functioning of the Court. In particular, Mr Blok welcomed the Independent Expert Review (IER) report for providing a clear path forward to improve the ICC's work against impunity.

[H.E. O-Gon Kwon addressed the Assembly](#) for the last time in his capacity as ASP President. In his speech he reflected on the challenges faced during his mandate, including in relation to the Universality of the Rome Statute of the ICC, expressing gratitude to States Parties, the Court and civil society for the support received over the years. ASP President Kwon reaffirmed the importance of the Independent Expert Review in creating momentum for the strengthening of the ICC and the Rome Statute system as a whole.

[ICC President Judge Chile Eboe-Osuji](#) also addressed the Assembly for the last time in his capacity as President of the Court. In his remarks, the ICC President reflected on the achievements of its mandate highlighting in particular an improved relationship with African leaders and the African Union, the accession of Kiribati to the Rome Statute, improved working conditions at the Court and the adoption of time limits for the delivery of key decisions.

ICC [Prosecutor Ms. Fatou Bensouda](#) addressed the Assembly for the last time in her capacity as ICC Prosecutor, reflecting on the challenges and achievements of 2020 as well as on her entire 9-year mandate. Prosecutor Bensouda underscored that despite the many challenges, including the hostile political environment and the insufficient resources, the Office has progressed in a number of ongoing situations and preliminary examinations that are now concluding or nearing finalization and has further improved its working methods, policies and strategies. The Prosecutor addressed directly her successor highlighting that assuming the office of the ICC Prosecutor means “an unyielding devotion to the pursuit of international criminal justice, without fear or favour, even in the face of adversity.” Prosecutor Bensouda made reference to the sanctions placed on her and her Office, and welcomed the support received from States Parties and others in the face of these attacks.

In his statement, [ICC Registrar Peter Lewis](#) pointed to the flexible and innovative ways in which the Court continued its work in 2020, despite the challenges linked to the COVID-19 pandemic. He addressed the serious issue of growing arrears, and related liquidity concerns, which would pose severe limitations on the Court's ability to continue its day-to-day functions. Mr Lewis further took note of recommendations made in the IER report, particularly ensuring a safe and secure workplace for all, for which his office will begin recruiting a Focal Point for Gender, among other initiatives for change.

Presenting the Trust Fund for Victims' Report to the Assembly, the [Chair of the TFF Board of Directors Ms Mama Koité Doumbia](#) expressed her condolences for the passing of former Board Chair, Mr Felipe Michelini, and spoke to his lasting legacy as a lifelong human rights defender and strong supporter of the ICC. Ms Doumbia also reflected on the work of the TFF in 2020, which shifted from preparation and planning to an implementation of assistance and reparations. The Chair of the Board of Directors recalled that the Trust Fund is currently implementing reparations in DRC and Mali, is carrying out assistance programs in the DRC,

Côte d'Ivoire, and the Central African Republic and new assistance programs will be launched in Mali, Kenya and Georgia.

3. GENERAL DEBATE

The General Debate of the 19th session of the ASP took place through a hybrid in-person and virtual delivery of statements on 14 December 2020 in The Hague, Netherlands. A number of high-level government representatives took the floor to present their states' positions on various issues within the Rome Statute system.

Prior to the 19th session, the Coalition communicated to States Parties the importance of high-level reminders of unwavering support to the Court and of the central and unique role that the Rome Statute has played and can continue to play in building peaceful and inclusive societies. The key positions the Coalition recommended states incorporate in their General Debate statements included:

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

- The Rome Statute system's integral role in **conflict prevention and sustainable peacebuilding**; in implementing SDG Goal 16; and in advancing the indispensable role of women in international peace and justice processes.

General Debate: States Parties and observer states

Taking into account the restrictions placed on the session, this year's format allowed for only some States Parties to deliver statements in person in The Hague, while the majority of states delivered pre-recorded video statements. All statements, including statements by non-governmental organizations, are available on the [ASP website](#).

Twenty-seven States Parties, including Germany on behalf of the European Union, delivered remarks. The topics touched upon more frequently included the **Independent Expert Review**, the **elections of the Prosecutor and six judges**, the need to express **political support for the Court** and to condemn the sanctions imposed by the US administration, the need for **cooperation** with the Court, the 2021 **budget**, and **contributions to the Trust Fund for Victims**. Several States Parties commended the ICC's work despite the difficult circumstances of the pandemic.

States universally welcomed the report of the **Independent Expert Review** as an essential step in reinforcing the ICC's capacity to implement its mandate independently and effectively. States were focused on next steps and the need to assess and implement the IER's recommendations. In particular, many states noted the importance of having a mechanism to follow up on the recommendations that is transparent and inclusive. Several States Parties (including Estonia, Liechtenstein, Cyprus, Italy, Switzerland, and Germany on behalf of the European Union) underscored that any mechanism should respect the judicial and prosecutorial independence of the Court.

With respect to the **elections of the Prosecutor and six judges**, nearly all states mentioned the need to elect the most highly qualified individuals (with several states referring expressly to the need for such individuals to possess high moral character) to lead the Court through a transparent and merit-based process. Several states mentioned the improvements in the election processes this year including the extension of the mandate of the Advisory Committee on the Nomination of Judges and the work of the Committee on the Election of the Prosecutor. Several States Parties stressed the importance of electing the ICC Prosecutor by consensus.

States underscored the need for States Parties to stand robustly in **support of the ICC**, defending the Court from external challenges which threaten its very existence and its independence. France, Austria, Czech Republic, Palestine, Spain, Nigeria, Liechtenstein, Belgium, Portugal, Norway, Luxembourg, and Switzerland condemned the sanctions imposed by the US on the ICC Prosecutor, and called upon the Biden administration to withdraw them.

The Democratic Republic of Congo, Austria, Costa Rica, Spain, Estonia, Denmark, Belgium, Trinidad & Tobago, Luxembourg, Slovenia, the Czech Republic, El Salvador, France and Germany (on behalf of the European Union) referred to the need for better **cooperation** with the Court and challenges faced by the Court in executing arrest warrants. In particular, Luxembourg made note of the Prosecutor's historic visit to Khartoum in the past year.

In the context of support for the Court, Estonia, Finland, Belgium, Slovenia, Switzerland, Germany (on behalf of the European Union) encouraged all States Parties (including states in arrears) to pay their **financial contributions** to the Court in a timely manner.

Finally, several States Parties referred to the need to place victims at the center of the ICC process and to enable the payment of reparations: Sweden, Spain, Estonia, Sierra Leone, Finland, Belgium,

Luxembourg, Italy, Slovenia, the Czech Republic made a commitment to make voluntary contributions to the Trust Fund for Victims.

General Debate: Civil society interventions

Civil society organizations member of the Coalition for the International Criminal Court have also contributed video and written statements for the ASP19 General Debate. .

The General Debate provides an opportunity for civil society to address issues related to their work and the wider Rome Statute system of international justice, to reiterate their support for the Court and its progress thus far, as well as to identify those areas in which the ICC can continue to improve its performance and operations, with an aim to fulfilling its critical mandate. For civil society, the ASP General Debate also serves as a forum to raise concerns that are not prominently featured – if at all – in the ASP agenda

The points raised by human rights defenders during the General Debate often inform the decision-making process of States Parties throughout the remainder of the ASP session.

Ms Melinda Reed, CICC Acting Convenor, speaking on behalf of the **Coalition for the International Criminal Court (CICC)** reaffirmed the continued commitment of civil society to engage with the Assembly for the improvement of the Court and the Rome Statute system, recalling the importance of the CICC's consultative status with the ASP and the ICC.

In their statements the **Asian Legal Resource Center, Human Rights Watch (HRW)**, the **International Federation for Human Rights (FIDH)** and the **Open Society Justice Initiative (OSJI)** urged States Parties to ensure a proactive, fair, informed, and transparent election process for the next ICC Prosecutor, and to elect the most highly qualified candidates in the 2020 judicial elections.

All CICC members in their statements expressed support for the **Independent Expert Review** as an opportunity to strengthen the Court and to protect its integrity and independence.

The **International Federation for Human Rights (FIDH)**, the **African Network for International Criminal Justice (ANICJ)**, the **American Bar Association (ABA)**, the **Asian Legal Resource Center, Human Rights Watch (HRW)**, and the **World Federalist Movement / Institute for Global Policy** expressed the importance of strong statements against the sanctions the Court is facing and declared that the Court's mandate must be protected from unwarranted attacks and interference.

In its statement the **Informal Venezuelan NGO's network** reflected on the situation in Venezuela and expressed the need for action for the victims, reaffirming their trust in the OTP. Similarly, **Palestinian Human Rights Organisations** reflected on the status of the Situation in Palestine, stressing that "there is an urgent need to proceed to investigation and justice cannot be delayed any further".

The **Malaysian National Coalition for the ICC** in its statement pledged strong support to the Court and the Rome Statute system and reaffirmed the commitment to work towards the accession of Malaysia to the Rome Statute.

The **Stop Ecocide Foundation** advocated for the recognition of the crime of Ecocide, consisting of the mass damage and destruction of ecosystems.

Complete list of civil society interventions during the General Debate at ASP19

Coalition for the International Criminal Court (CICC),

Delivered by Ms Melinda Reed, CICC Acting Convenor

Written statement ([ENG](#)) ([FRA](#)) ([ESP](#))

Video statement ([ENG](#))

African Network for International Criminal Justice (ANICJ)

Delivered By Mr Chino Obiagwu, Coordinator

Written statement ([ENG](#))

Video statement ([ENG](#))

American Bar Association (ABA) ICC Project,

Delivered by Mr Michael Greco, Chair

Written statement ([ENG](#))

Asian Legal Resource Center,

Written statement ([ENG](#))

Georgian National Coalition for the ICC (GCICC)

Written statement ([ENG](#))

The Hague Peace Projects

Delivered by Mr Chale Gudamuz, Director

Written statement ([ENG](#))

Video statement ([ENG](#))

Human Rights Watch (HRW)

Written statement ([ENG](#))

Informal Venezuelan NGOs Network

Written statement ([ENG](#))

International Federation for Human Rights (FIDH) / Colectivo de Abogados José Alvear Restrepo (CAJAR)

Delivered by Mr Reinaldo Villalba Vargas, Vice President

Written statement ([ENG](#)) ([FRA](#)) ([ESP](#))

Video statement ([ESP](#))

Malaysian National Coalition for the ICC,

Delivered by Ms Usha Kulasegaran

Written statement ([ENG](#))

Moroccan Centre for Peace and Law,

delivered by Mr Hicham Cherkaoui, Chairman

Written statement ([ENG](#)) ([ARA](#))

Open Society Justice Initiative (OSJI)

Written statement ([ENG](#))

Palestinian Human Rights Organisations

Written statement ([ENG](#))

Stop Ecocide Foundation,
delivered by Ms Jojo Mehta, Chair of the Board
Written statement ([ENG](#))

Ukrainian Legal Advisory Group (ULAG)
Delivered by Ms Nadia Volkova, Director
Written statement ([ENG](#))
Video statement ([ENG](#))

World Federalist Movement / Institute for Global Policy (WFM/IGP),
delivered by Ms Anjali Manivannan, Director of Programs
Written statement ([ENG](#))

4. ELECTIONS

At the 19th ASP session, a number of important positions in the Rome Statute system were filled including six new judges, the ICC Prosecutor, the ASP President, two ASP Vice Presidents and 18 members of the ASP Bureau, six members of the Committee on Budget and Finance (CBF), and one member of the Board of Directors of the TFV.

Civil society campaign on ICC and ASP Elections - #ElectTheBest

The Coalition for the ICC and its members monitor all ICC and ASP elections and advocate for the election of only the highest qualified candidates through fair and merit-based election processes. The Coalition and the CICC Elections Team do not endorse or oppose individual candidates and strongly opposes reciprocal political agreements (“vote-trading”) in ICC and ASP elections.

As part of the elections campaign, civil society asked judicial and prosecutorial candidates to complete [questionnaires](#) regarding their vision, background, qualifications, experience and views on international justice and the ICC. Furthermore, in July, November and December 2020, civil society actively contributed to [public hearings](#) for judicial and prosecutorial candidates organized by the ASP Presidency by co-moderating and submitting questions for candidates.

Through its CICC Elections Team, the Coalition continuously called for transparent and merit-based elections, and [called on States Parties](#) to consider the imbalance in gender representation on the ICC bench

Further information on ICC and ASP election campaigns can be found on the [CICC website](#).

Election of six new Judges

During the New York segment of the 19th ASP session, States Parties elected six new judges out of the 18 that compose the ICC bench. The election follows the Court's regular judicial elections process, which replaces a third of the 18 judges every three years. The new judges will serve a nine-year term expected to begin in March 2021.

Judicial candidates can be put forward by States Parties along with states that have started the process of ratification of the Rome Statute of the ICC. In assessing the individual candidacies, the ASP is assisted by an **Advisory Committee on the Nomination of Judges (ACN)**, that produces an assessment of the candidates, based on a wide variety of information submitted by the nominating states, the candidates themselves, and civil society. The ACN mandate was revised and strengthened at the 18th session of the ASP in 2019 with the Resolution on the review of the procedure for the nomination and election of judges.

The [Report](#) of the ACN was released on 30 September 2020.

For the first time, the Assembly of States Parties organized public hearings, or roundtables, for judicial candidates, co-moderated by States Parties and civil society. Public roundtables for judicial candidates were [previously organized](#) by the Coalition for the International Criminal Court. Ms Mariana Pena of the Open Society Justice Initiative (OSJI) and Mr Allan Ngari of the Institute for Security Studies (ISS) co-moderated the hearings on behalf of civil society.

The Rome Statute outlines several considerations for a fully representative bench, including minimum criteria for geographic representation, gender balance, and representation of the principal legal systems of the world, in addition to the expertise on specific and relevant legal issues. A fundamental consideration in electing judges is the differentiation between List A, which refers to nominees with criminal law expertise and experience, and List B, which refers to nominees with relevant international law expertise and experience. These factors are taken into account through **minimum voting requirements (MVRs)**, which apply throughout the different rounds of voting until the vacancies have been filled or until they are discontinued after a certain number of rounds.

The following MVRs were in place in 2020:

- One candidate from List A;
- One candidate from List B;
- One candidate from the Group of Eastern European States;
- Two candidates from the Group of Latin American and Caribbean States;
- One female candidate.

The MVRs for the 2020 elections included originally one candidate from the Group of Asia-Pacific States. The requirement was [discontinued](#) after the withdrawal of the candidate from Bangladesh, which left only one competing candidate for the regional group – Mongolia.

Round 1

The voting started on 18 December with [18 candidates](#), following the withdrawal of 4 candidates shortly before the start of voting.

In the first round of voting, **Ms Joanna Korner (United Kingdom)** was elected with 85 votes, fulfilling the MVR of one female candidate.

Round 2

In the second round of voting, **Mr Gocha Lordkipanidze (Georgia)** was elected with 76 votes, fulfilling the MVR of one candidate from the Group of Eastern European States.

Round 3

In the third round of voting, held on 21 December, **Ms Miatta Maria Samba (Sierra Leone)** was elected with 83 votes.

Round 4

In the fourth round of voting **Ms Maria del Socorro Flores Liera (Mexico)** and **Mr Sergio Ugalde Godinez (Costa Rica)** were both elected with 87 votes, fulfilling the MVR of two candidates from the Group of Latin American and Caribbean States.

Round 5, 6 and 7

In the fifth and sixth rounds of voting held on 22 December, with six and four candidates competing, respectively, no judge was elected.

According to the ASP procedures and practice, a cut-off mechanism kicks in after the fourth round of voting: the candidate having received the lowest number of votes is automatically removed from the subsequent ballot. Exceptions may apply. More information can be found in the ASP [Informal guide and commentary to the procedure for the nomination and election of judges of the ICC](#).

In the seventh round of voting, held on 23 December, no judge was elected.

Round 8

In the eighth round of voting, **Ms Althea Violet Alexis-Windsor (Trinidad and Tobago)** was elected with 86 votes filling the last judicial vacancy.

The **six newly elected judges** are:

- Ms Joanna Korner (United Kingdom) (List A);
- Mr Gocha Lordkipanidze (Georgia) (List B);
- Ms Miatta Maria Samba (Sierra Leone) (List A);
- Ms María del Socorro Flores Liera (Mexico) (List B);
- Mr Sergio Ugalde Godinez (Costa Rica) (List B); and
- Ms Althea Violet Alexis-Windsor (Trinidad and Tobago) (List A)

Judicial elections results and information on the different rounds of voting is available on the [ASP Website](#).

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

The **remaining judges**, in addition to the six newly elected, are: Judge Chang-ho Chung (Republic of Korea); Judge Piotr Hofmanski (Poland); Judge Bertram Schmitt (Germany); Judge Péter Kovács (Hungary); Judge Antoine Kesia-Mbe Mindua (Democratic Republic of Congo); Judge Marc Perrin De Brichambaut (France) (ICC Second Vice President); Judge Tomoko Akane (Japan); Judge Luz del Carmen Ibanez-Carranza (Peru);

Judge Solomy Balungi Bossa (Uganda); Judge Kimberly Prost (Canada); Judge Rosario Aitala (Italy); and Judge Reine Alapini-Gansou (Benin).

Election of the ICC Prosecutor

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

In order to facilitate an effective election process, the Bureau of the ASP [established](#) a **Committee on the Election of the Prosecutor (CEP)**, composed of five members, one per regional group, and assisted by a panel of five independent experts (Panel of Experts), one per regional group. The CEP was designed to prioritize merit, fairness, and transparency at all stages of the election process, drawing on the lessons learned from the last election process in 2011.

The CEP published a [vacancy announcement](#) in August 2019 and received applications from individual candidates. After considering the applications received with the support of the Panel of Experts, on 30 June 2020, the CEP submitted its final [report](#) containing a shortlist of 4 candidates for consideration of the Assembly:

- Mr Morris A. Anyah (Nigeria)
- Mr Fergal Gaynor (Ireland)
- Ms Susan Okalany (Uganda)
- Mr Richard Roy (Canada)

In an effort to identify a consensus candidate, the ASP Presidency led a consultation process following the release of the shortlist, which included public hearings for candidates co-moderated by States Parties and civil society. Ms Amal Nassar of the International Federation for Human Rights (FIDH) and Mr George Kegoro of the Kenyan Human Rights Commission, co-moderated the hearings on behalf of civil society.

As a consequence of the failure to identify a consensus candidate, on 13 November 2020, the ASP Bureau approved on 13 November 2020 an [ASP Presidency proposal on the way forward](#) in the election process, which enlarged the list of shortlisted candidates to the remaining individuals who were originally interviewed by the CEP, provided they were still willing to be considered. The Bureau mandated the CEP to release the candidates' CV and motivation letters, as well as an [appraisal of the candidates](#).

Following the Bureau decision, the list of potential candidates was extended to 9 candidates:

- Ms Brigitte Raynaud (France)
- Mr Carlos Castresana Fernández (Spain)
- Mr Fergal Gaynor (Ireland)
- Mr Francesco Lo Voi (Italy)
- Mr Karim A. A. Khan (United Kingdom of Great Britain and Northern Ireland)
- Mr Morris A. Anyah (Nigeria)
- Mr Richard Roy (Canada)
- Mr Robert Petit (Canada)
- Ms Susan Okalany (Uganda)

On 9 and 10 December 2020, all candidates took part in a new round of public hearings co-moderated by States Parties and civil society. Ms Melinda Reed, CICC Acting Convenor, co-moderated the final hearing with ASP President Judge O-Gon Kwon.

Additional consultations among States Parties guided by the ASP Presidency followed the hearings, but, faced with severe time constraints that made proper consultation difficult, the Assembly agreed on 18 December 2020 to defer the election of the Prosecutor to a second resumed session, to be held in New York in early 2021.

Three additional rounds of consultations followed in January and February, but on the eve of the second resumption of the ASP in New York, ASP President O-Gon Kwon declared that the Assembly could not agree on a consensus candidate and announced that they were going to elect the Prosecutor by secret ballot for the first time in the Court's history. As a consequence, four States Parties announced their [nominations](#): Mr Carlos Castresana Fernández (Spain); Mr Fergal Gaynor (Ireland); Mr Francesco Lo Voi (Italy); and Mr Karim A. A. Khan (United Kingdom of Great Britain and Northern Ireland).

The 19th Assembly session resumed at the UNHQ in New York on 12 February 2021 for the election of the ICC Prosecutor by secret ballot.

Round 1

During the first round, no candidate obtained the required absolute majority (62 votes) of the 123 States Parties, therefore no candidate was elected in this round.

The following [votes](#) were received:

- Mr Carlos CASTRESANA FERNÁNDEZ (Spain): 12
- Mr Fergal GAYNOR (Ireland): 47
- Mr Karim KHAN (UK): 59
- Mr Francesco LO VOI (Italy): 5

Round 2

In the second round of voting, that took place in the afternoon, Mr Karim Khan of the United Kingdom obtained the votes necessary to be elected as next ICC Prosecutor.

The following [votes](#) were received:

- Mr Carlos CASTRESANA FERNÁNDEZ (Spain): 5
- Mr Fergal GAYNOR (Ireland): 42
- Mr Karim KHAN (UK): 72
- Mr Francesco LO VOI (Italy): 3

Mr Karim Khan was elected as the next ICC Prosecutor.

The results of the prosecutorial election and information on the different rounds of voting is available on the [ASP Website](#).

Election of ASP President and Bureau members for the 20th to 22nd ASP sessions

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

At its 19th session, the ASP elected the ASP President and Vice-Presidents, as well new members of the Bureau for the 20th to 22nd ASP sessions. Negotiations among States Parties to identify the next Bureau members were carried out in 2020 by regional focal points in coordination with the ASP Presidency.

The Assembly elected **Ms Silvia Fernández de Gurmendi (Argentina) ASP President** by acclamation on 18 December 2020. The bureau recommended Ms de Gurmendi for election in November 2020, following a recommendation from the Group of Latin American and Caribbean States in accordance with the ASP practice of rotating the presidency among regional groups.

The ASP furthermore elected **18 new Bureau members**: Bangladesh, Brazil, Côte d'Ivoire, Cyprus, Ecuador, Ghana, Kenya, Liechtenstein, Mexico, Norway, Romania, Senegal, Serbia, Slovakia, Spain, the State of Palestine, Uganda and the United Kingdom of Great Britain and Northern Ireland.²

The Assembly elected for three-year terms **Ambassador Robert Rae (Canada)**, in New York, and **Ambassador Kateřina Sequensová (Czech Republic)**, in The Hague, as its **Vice-Presidents** during the second resumed session in New York on 12 February 2021.

Election of six members of the Committee on Budget and Finance

At the 19th ASP session, States Parties also held an election to fill six seats on the Committee on Budget and Finance (CBF), which consists of 12 members nominated and selected by the ASP based on equitable geographic representation. The CBF is a technical expert body tasked with budgetary and financial review and monitoring of the resources of the International Criminal Court.

Pursuant to resolution [ICC-ASP/1/Res.5](#), the Bureau decided that the nomination period for the Committee on Budget and Finance elections would run from 8 June to 30 August 2020.

After the closure of the nomination period, six candidates have been nominated to become members of the CBF:

- Mr DRUML, Werner (Austria)
- Ms HARIMOTO, Yukiko (Japan)
- Mr GHARAIBEH, Fawzi (Jordan)

² A seat-sharing agreement among Bangladesh, Cyprus, Japan, Republic of Korea and the State of Palestine will regulate the sharing of three seats on the Bureau for the 20th to 22nd sessions of the Assembly:
- Bangladesh would serve as member of the Bureau in 2021 and 2023;
- Cyprus would serve as member of the Bureau in 2021;
- Japan would serve as member of the Bureau for 2022-2023;
- Republic of Korea would serve as member of the Bureau for 2022-2023; and
- State of Palestine would serve as member of the Bureau for 2021-2022.

- Ms SÁNCHEZ IZQUIERDO, Mónica (Ecuador)
- Ms SHAVA, Margaret Wambui Ngugi (Kenya)
- Ms SOPKOVÁ, Elena (Slovakia)

The six candidates were elected by the Assembly by acclamation on 18 December 2020.

Election of one member of the Board of Directors of the TFV

The TFV Board of Directors oversees the work of the TFV and is comprised of five members. The Board members serve in an individual capacity on a pro bono basis and are elected by the ASP to fill three-year terms. At the seventeenth ASP session, five members have been elected to serve as the TFV Board of Directors in 2019. The elected representatives are: **Ms Mama Koite Doumbia** (Mali, representing African states); **Mr Sheikh Mohammed Belal** (Bangladesh, representing Asia-Pacific states); **Mr Gocha Lordkipanidze**³ (Georgia, representing Eastern European states); **Mr Felipe Michelini** (Uruguay, representing Latin American and Caribbean states); and **Ms Arminka Helić** (United Kingdom of Great Britain and Northern Ireland, representing Western European and Other states).

To fill the vacancy that arose upon the passing of Mr Felipe Michelini, Chair of the Board of Directors of the Trust Fund for Victims, on 19 April 2020, the ASP Bureau decided to elect a new member, mindful of "the need for the full membership of the Board of Directors to enable it to continue to carry out its very important work." The Bureau set the nomination period to run between 1 and 30 June 2020. Since Mr Michelini (Uruguay) held the seat allocated to the Latin American and Caribbean group, only States Parties of this regional group were able to nominate candidates.

At its 5th meeting on 9 July 2020, the ASP Bureau elected Ms Minerva Josefina Tavárez Mirabal (Dominican Republic) to complete the term of her predecessor, until 4 December 2021. At its 19th session, the Assembly confirmed the election.

³ As a consequence of his election as ICC Judge, Mr Lordkipanidze resigned from the role of Director of the TFV Board.

5. THE REVIEW OF THE INTERNATIONAL CRIMINAL COURT

In May 2019, the president of the Court, on behalf of the three court principals, sent a [letter](#) to the President of the Assembly of States Parties calling for an “independent comprehensive expert review of the Court’s performance.

During the following months, States Parties developed a “[Matrix](#)”, a working paper outlining a number of concrete and actionable areas for change that could strengthen the ICC and the Rome Statute system. This mapping exercise helped identify areas for consideration by an independent expert review, which received broad support from States Parties, the Court and civil society. In addition, the Matrix also identified other matters that the Court, States Parties, and other stakeholders could address separately to enhance the work of the ICC and to strengthen the Rome Statute system more broadly.

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

At the 18th session of the Assembly of States Parties in December 2019, States Parties adopted a [resolution](#) establishing a formal process of review of the ICC and of the Rome Statute system.

The Assembly mandated a [group of independent experts](#) to carry out an Independent Expert Review (IER) of the work and functioning of the ICC and to make concrete recommendations to the ASP and the Court for their consideration. Nine experts were appointed and assigned to cover three ‘clusters’ of issues: Governance, Judiciary, and Prosecution and Investigation.

In addition to commissioning the IER, the resolution establishing the review process of the ICC and the Rome Statute system also identified four priority areas for States Parties to address through the relevant working groups and facilitations of the Bureau of the Assembly:

- Strengthening cooperation;
- Non-cooperation;
- Complementarity and the relation between national jurisdictions and the Court;
- Equitable geographical representation and gender balance

The experts began their work in January 2020 and conducted more than 270 interviews. In addition to court officials and staff, they heard the views of other key stakeholders, including civil society and states parties. A general call was also made to send written submissions, and a number of States Parties and [civil society organizations responded](#). The experts also received views during meetings with relevant stakeholders. While the experts were very open to input from civil society, unfortunately access to them was limited especially for civil society organizations based in the countries where the ICC operates. In particular, the experts were unable to travel to ICC situation countries and engage directly with civil society organizations working with affected communities.

In July 2020, the experts issued a short [interim report](#) providing information particularly on their working methods and on the consultations conducted.

On 30 September 2020, the experts issued a comprehensive [final report](#) containing an extensive analysis of the work and functioning of the Court, as well as 384 short and long-term recommendations addressed to

the Court and States Parties. To facilitate the implementation process, and in light of the varying complexity and urgency of the recommendations, the experts listed the priority recommendations in an Annex.

The report was initially issued in [English](#), and is now also available in [French](#). The Introduction and annex on prioritized recommendations is also available in [Spanish](#).

Following the publication of the IER report ICC States Parties and other relevant stakeholder began discussions to lay out the processes to follow-up to the experts' findings and recommendations. Negotiations on the text of a standalone resolution began in November 2020 in the framework of the joint Hague and New York Working Groups of the Bureau, with the participation of all States Parties, Court officials and civil society.

These discussions highlighted several divergent views on some critical issues such as the model and composition of the mechanism the Assembly would establish to follow up to the IER report; the specific mandate of such mechanism, as well as its interaction with the court; and the role of the independent experts in these next steps.

After 14 joint meetings of the Hague and New York Working Groups, the Assembly adopted a Resolution on the [Review of the International Criminal court and the Rome Statute system \(ICC-ASP/19/Res.7\)](#) on 18 December 2020. The Resolution created a "Review Mechanism" that will follow up to the recommendations contained in the independent Expert Review Report and established a timeline for its work in 2021.

The ASP Resolution established that the Review Mechanism would consist of two State Party representatives (The Bureau appointed Ambassador Kanu (Sierra Leone), based in New York, and Ambassador van den Ijssel (Netherlands), based in The Hague), supported by three ad-country focal points (The Bureau appointed Bangladesh, Chile and Poland), and tasked it with the "planning, coordinating, keeping track and regularly reporting" on the assessment of the IER recommendations and further action.

The Mechanism was specifically mandated to:

- Submit a proposal for the **categorization** of the IER recommendations **by 30 April**, to the ASP Bureau.
- Submit a proposed **action plan** to the Bureau **by 30 June**. The proposed action plan should:
 1. Allocate the IER recommendations to the relevant court organs and ASP thematic focal points, facilitations, and working groups for their considerations. The Mechanism is expected to deal with those recommendations that do not neatly fall under their mandates;
 2. Prioritize the IER recommendations; and
 3. Set deadlines for the consideration of the IER recommendations.
- Regularly brief States Parties on its progress and submit a report on the review process to the ASP ahead of the 20th session of the Assembly of States Parties.

The ASP Resolution also requested the Court to submit a response to the IER report by **31 March 2021**, to regularly report to States Parties on its progress in the assessment and implementation of the IER recommendations, and to report to the ASP ahead of the 20th session of the Assembly of States Parties.

For updated information on the ICC Review process and the opportunities for civil society engagement please visit the [CICC Website page on ICC Review](#).

6. SUPPORTING THE ICC AND ITS PROPONENTS AGAINST EXTERNAL INTERFERENCE AND POLITICAL THREATS

As the Court carries out its mandate, the institution and supporters of accountability have increasingly come under attack.

On [20 January 2020](#), only a month after the ICC Prosecutor announced that there is a reasonable basis to proceed with an investigation into the situation in Palestine, the Israeli Prime Minister Benjamin Netanyahu called for sanctions against the ICC and its personnel.

On [11 June 2020](#), US President Donald Trump issued an **Executive Order** that authorizes asset freezes and entry bans against ICC officials, their family members and others who assist ICC investigations who may be designated pursuant to the Order at a later stage.

On 2 September 2020, the US administration announced that the United States had designated for sanctions the ICC Prosecutor, Ms Fatou Bensouda, and the head of the Office of the Prosecutor's Jurisdiction, Complementarity, and Cooperation Division, Mr Phakiso Mochochoko.

The unprecedented actions taken by the US administration prompted strong reactions from both civil society and States Parties to the ICC. On 11 June, the day the Executive Order was issued, [ASP President Judge O-Gon Kwon released a statement](#) expressing deep concern for the measures taken by the US administration. On 23 June, a [group of 67 ICC States Parties joined in a statement](#) that reaffirms the “unwavering support for the court as an independent and impartial judicial institution”. In a statement in September 2020 following the ICC annual report to the UN General Assembly, 72 States Parties confirmed once again their support.

During the [General Debate](#) at the 19th Assembly session, several States parties including France, Austria, Czech Republic, Palestine, Spain, Nigeria, Liechtenstein, Belgium, Portugal, Norway, Luxembourg, and Switzerland spoke in support of the Court, condemning the sanctions imposed by the US administration on the ICC Prosecutor and other ICC Officials. Civil society also spoke strongly in support of the ICC, requesting states to take steps to protect the independence of the Court against external threats.

7. COOPERATION

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

In 2020 the ASP agenda did not include any discussion focused on cooperation. The 19th Assembly session acknowledged the importance of cooperation with the Court by adopting a [resolution on Cooperation](#). The ASP resolution on Cooperation is mostly a technical roll-over from the previous year's [resolution](#), with the necessary updates which take into consideration developments in the ICC Review process and the challenges posed by the Covid-19 pandemic. It further refers to the [report](#) of the Bureau on cooperation, which outlined the organization of work and main issues considered by the cooperation facilitation in 2020.

The resolution on cooperation focuses on the following issues:

- Execution of arrest warrants;
- Implementation legislation of the Rome Statute;

- Informal consultations and establishment of focal points;
- Financial investigations and freezing of assets;
- Cooperation with the defence;
- Agreement on Privileges and Immunities of the International Criminal Court;
- Voluntary cooperation;
- Cooperation with the United States;
- Diplomatic support;
- Promoting dialogue with all stakeholders.

In light of the developments observed in 2020, the Assembly requested the cooperation facilitation to examine the issues and challenges related to cooperation with a view to identify concrete measures and follow-up actions and to report on those to both the Review Mechanism and the Assembly at its 20th session. It further requested the cooperation facilitation to continue to address as a matter of priority issues that have been priorities in recent years, namely: “to continue the work to further develop the content of the Secured Platform on Cooperation; to hold consultations on the advisability of developing regional thematic focal points on cooperation, of creating a permanent structure for a network of national practitioners and focal points on cooperation, and on the deepening of the relationship between the UN and its agencies and entities, including for capacity building purpose in order to foster cooperation with the Court.”

8. UNIVERSALITY OF THE ROME STATUTE

Worldwide ratification of the Rome Statute is necessary to achieve an international criminal justice system that eradicates the existence of any safe havens for individuals who commit the worst crimes known to humankind. Equally important is the full and effective implementation of the complementarity and cooperation provisions of the Rome Statute in national legal frameworks. This enables states to have the necessary legal framework through which to pursue investigations and prosecutions of Rome Statute crimes at the national level. It also allows for more effective support and cooperation with the Court, particularly in areas such as execution of arrest warrants and surrender, and in permitting investigation and the collection of evidence in the territory of states where Rome Statute crimes are alleged to have been committed.

In 2020 the ASP agenda did not include any discussion focused on Universality. In the *Omnibus* resolution, the Assembly of States Parties called upon States Parties, international and regional organizations as well as civil society to intensify their efforts to promote universality, and recalled the importance of adopting national legislation to fully implement the obligations emanating from the Rome Statute of the ICC.

9. COMPLEMENTARITY

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

At its 19th session, the Assembly did not include any discussion focused on Complementarity. In the *Omnibus* resolution, the Assembly of States Parties recalled the primary responsibility for states to investigate and prosecute crimes under the Rome Statute and resolved to provide support in strengthening and enhancing the capacity of national jurisdictions in that regard. The Assembly further welcomed the efforts undertaken

by states, international organizations and civil society to promote the rule of law at the national and international level and requested the ASP Secretariat to continue to facilitate the exchange of information between the Court, states, international organizations and civil society on complementarity-related activities. The Assembly also welcomed the [report](#) of the Bureau on complementarity, which laid out the work of the complementarity facilitation in 2020 – including the challenges posed by the Covid-19 pandemic – and outlined suggested streams of work for the facilitation in 2021, including through engagement with and participation in the review process.

10. AMENDMENTS

At its 19th session, the Assembly did not consider any amendment.

[During 2020 the Working Group on Amendments](#) continued the consideration of amendment proposals previously submitted to it by the Assembly and joined with the Study group on Governance to discuss possible amendments to the procedure to amend the Rules of Procedure and Evidence (RPE).

In the Omnibus Resolution, the Assembly called all States Parties to ratify or accept the amendments to article 124 and 8 of the Rome Statute.

In 2021, the Working Group on Amendments will continue the consideration of amendments previously submitted as well as the consideration of the procedure to amend the RPE.

11. ICC BUDGET FOR 2021

To fund most of the Court's activities and major programs, States Parties to the Rome Statute must each pay a yearly contribution proportionate to their gross national incomes. The ICC programme budget covers annual resources allocated to, among others, the Judiciary, the Office of the Prosecutor, the Registry, the ASP Secretariat, and the Trust Fund for Victims Secretariat.

The ICC Registrar coordinates the drafting of the Court's overall budget request during the year leading up to the autumn session of the ASP's Committee on Budget and Finance (CBF), a technical expert body tasked with evaluating and making recommendations on the proposed budget for the ASP to consider during its annual session.

In 2020, the Court proposed a 2021 programme budget of €144.92 million, an increase of 0.5% over the budget allocated for 2020.

After assessing the Court's 2021 budget proposal, the CBF recommended the following figures for the ASP to consider at its 19th session:

CBF recommended 2021 ICC budget: € 144.7 million (Excluding State loan)

Recommended reduction to Court's 2021 budget request: € 0.2 million

Recommended increase to approved 2020 ICC budget: €0.9 million (0.7%)

During 2020, States Parties considered budgetary matters within the ASP Bureau's Working Group on the Budget, facilitated by **Ambassador Andrés Terán Parral (Ecuador)**.

When drafting a resolution on the ICC Programme Budget, the Working Group also proposes ASP decisions to be taken regarding replenishment of the Working Capital Fund, which funds appropriations from the annual budget pending the receipt of assessed State Party contributions; and the Contingency Fund, intended to help meet unforeseen or unavoidable expenses during the annual financial period.

According to the [19th ASP session budget resolution](#), the approved 2021 programme budget is **€148.259.000** with the following appropriations for several of the major programmes:

Major programme	Approved 2020 budget (thousands of euros)	Proposed 2021 budget (thousands of euros)	Approved 2021 budget (thousands of euros)
I: Judiciary	12,081.5	11,781.8	11,756.3
II: OTP	47,383.4	47,388.6	47,334.8
III: Registry	76,147.6	77,917.7	75,784.0
IV: ASP Secretariat	2,837.0841	2,837.0	2,837.0
V: Premises	2,775.0	2,270.0	2,270.0
VI: TFV Secretariat	3,226.1	3,226.1	3,199.6
VII – 5: IOM	551.9	739.5	739.5
VII – 6: OIA	621.2	756.5	752.7
Subtotal	145,493.0	144,917.2	144,673.9
VII – 2: Host State Loan	3,585.1	3,585.1	3,585.1
Total Court	149,308.8	148,501.3	148,259.0

While the Coalition does not take a position on the specific amount of resources to allocate to the ICC in any given year, it urges States Parties to treat the CBF review and recommendations as the bare minimum approach in their budget discussions during ASP sessions.

The Coalition firmly advocates that States Parties should oppose arbitrarily limiting the Court's annual budget, which would undermine the ability of the ICC to deliver fair, effective, and even efficient justice. A lack of adequate resources is a severe impediment to the optimal functioning of the Court.

During the 19th session of the ASP the 2021 budget was adopted. The resolution is available on the ASP website: https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19/ICC-ASP-19-Res1-ENG-budget-resolution-17dec20-1300.pdf

During the plenary presentations held on 14 December 2020, **the ICC Registrar, Mr Peter Lewis**, mentioned that the CBF has alerted for many years about the liquidity problems and the unprecedented level of arrears of States Parties. He urged all States Parties to pay their outstanding contributions as soon as possible. Gratitude was expressed towards states who rescued the ICC by making advance payments of their 2021 contributions.

Belgium, on behalf of Argentina, Austria, Costa Rica, Finland, Liechtenstein, Luxembourg, Mongolia, the Netherlands, Norway, Slovenia, South Africa, Sweden and Switzerland [reiterated the call](#) for a budget that is in line with the needs of the Court and expressed the shared concern about the liquidity situation of the Court. Moreover the statement noted that those calls had already been made in 2018 and 2019 but this issue has not been sufficiently addressed because some states still refuse to take action in this regard. Nevertheless,

they acknowledged that the budget negotiations were smoother than in the previous years as the difference between the recommended budget and the approved budget is quite small. To conclude, the high amount of arrears is also something causing great concern for these States Parties.

During the closing segment of the 19th ASP session, with a [statement](#) delivered by Ms Liz Evenson from Human Rights Watch on behalf of the **Coalition for the International Court**, the CICC stressed once again the importance for States Parties to provide the Court with adequate resources, as restrictions on the budget continue to undercut its ability to fulfil its mandate.

Remuneration of ICC Judges

ASP Vice President Ambassador Jens-Otto Horslund (Denmark) introduced the [draft resolution on the remuneration of ICC Judges](#). As coordinator the Hague Working Group, he was designated as one of the members of the Panel on the evaluation of the remuneration of judges alongside representatives from two other countries: Ecuador and UK.

Based on its deliberations, the Panel decided to recommend that the Assembly aligns the remuneration with the services delivered by the judges. The Panel also included with its report a draft resolution for implementation of these recommendations. The Bureau recommended the Assembly adopt this resolution.

The [Resolution on the Remuneration of Judges of the International Criminal Court](#) was adopted during the 4th plenary meeting, on 16 December 2020, by consensus.

12. VICTIMS IN THE ROME STATUTE SYSTEM

Victims of grave crimes are the reason the ICC exists. The Rome Statute empowers victims of war crimes, crimes against humanity, genocide, and the crime of aggression to hold their persecutors to account and live with hope, dignity and respect.

The creation of a system of justice that recognizes victims as its ultimate beneficiaries is largely due to the tireless efforts of civil society organizations at the Rome conference in 1998. Victims can—through a Court or self-appointed legal representative—present their views and concerns during proceedings before the ICC. The Rome Statute also established victims' rights to seek and receive reparations. Reparations are not limited to monetary compensation; they can come in many forms, including rehabilitation.

Trust Fund for Victims

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

During the Assembly, **Ms Mama Koite Dumbia**, Chair of the Board of Directors of the TFV, presented a [report](#) to the ASP on the work done by the TFV in the year 2020. In particular, her presentation focused on the challenges as well as on achievements of the Trust Fund in 2020 in delivering reparation and assistance programs.

Reparations

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

Three cases before the Court are currently in the reparations implementation phase: *Al Mahdi* in Mali, *Lubanga and Katanga* in the Democratic Republic of Congo. The implementation of reparations in the *Ntaganda* case, also in the DRC, started in 2019 following Mr Ntaganda's conviction.

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

Assistance programs

Assistance programs continue in Uganda, and the Fund has concluded the selection processes of partner organizations for the implementation of assistance programs in the Central African Republic (CAR), Côte d'Ivoire (CIV), and in the Democratic of the Congo (DRC). The TFF Board has also decided in November 2020 to launch assistance programs in Georgia, Kenya, and Mali.

13. THE 'OMNIBUS RESOLUTION'

At each of its sessions since 2003, the ASP has adopted the so-called 'Omnibus Resolution', formally titled "*Strengthening the International Criminal Court and the Assembly of States Parties*". With this resolution, adopted on the final day of the session, the Assembly addresses a number of substantive, practical and policy issues related to the Court and the ASP, as well as other key stakeholders, including states, regional organizations and civil society.

The ASP adopted an updated version of the omnibus resolution, following the consultations in the NYWG chaired by facilitator Mr Vincent Rittener (Switzerland). Given the lower level of activities carried out in 2020, the Assembly adopted a streamlined version of the Omnibus resolution.

The Omnibus resolution decided on the date of the next ASP session, which will be held from 6 to 11 December 2021 in the Hague, as well as on the mandates of the ASP Bureau for 2020. The Bureau will meet in early 2021 to appoint the facilitators and focal points for the approved topics.

In relation to **Universality**, the Assembly invited states that are not yet parties to the Rome Statute of the International Criminal Court to become parties to the Rome Statute and called upon all international and regional organizations as well as civil society to intensify their efforts to promote universality.

In the face of **threats to the integrity of the Court** and Rome Statute system, the Assembly used the Omnibus resolution as an opportunity to reconfirm its unwavering support for the independence of the ICC and underscored its commitment to defend the Court, its officials and those supporting it against any threats.

Assembly recalled the importance of **Cooperation** with the ICC and called on States Parties to 'identify, trace, freeze and seize the property and assets of accused persons where warrant arrests have been issued'. Indeed, it is extremely important for the work of the Court that the States Parties make efforts on good cooperation. On a related note, the resolution goes on to recall the responsibilities set out in the agreement on the

Relationship with the United Nations, which stresses the need to ensure the Court’s ability to exercise its observer status to the UN.

In the Omnibus Resolution, the Assembly once again stressed the importance of **nominating and electing as ICC Judges** “qualified, competent and experienced persons of the highest quality and of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices, in accordance with article 36 of the Rome Statute”. The Assembly additionally welcomed the establishment of a process to elect the third ICC Prosecutor and called upon the ASP Bureau to consult with States Parties and civil society in order to identify ways for the continued improvement of the process.

The Assembly further acknowledged the Court’s efforts for the improvement of the legal aid remuneration policy, stressing the need for continuous monitoring of the efficiency of the legal aid system to ensure the fairness of judicial proceedings and the right of the accused.

With respect to the **activities of the Court**, in the Omnibus resolution States Parties welcomed the efforts by the Court to implement the one-Court principle which aims at full transparency.

In relation to the **review of the Bureau’s working methods**, the Omnibus resolution reiterated the need for the Bureau to have a representative character with particular regard to geographical representation and the representation of the principal legal systems of the world and decided that the ASP will continue its work in order to improve the working methods.

On **victims and affected communities**, the Omnibus resolution stressed once again the central importance of victims’ rights in the Rome Statute and the importance of effective outreach at the earliest possible stage, including during preliminary examinations, in order to fulfil the mandate of the Court.

With reference to the principle of **Complementarity**, the Omnibus resolution recalled the primary responsibility of States Parties to investigate and prosecute Rome Statute crimes and requested the Bureau to remain seized of this issue and to continue the dialogue with the Court and other key stakeholders on Complementarity.

14. SIDE EVENTS AT ASP19

From 8 to 11 December 2020, CICC Members and other civil society organizations organized a number of virtual side events on the margins of the 19th session of the Assembly of States Parties.

Side events represent a unique opportunity for civil society representatives to highlight issues and topics of mutual concern, including situations under investigation or preliminary examination, ICC and ASP Election processes, judicial and political developments related to the ICC and the ASP, and other issues related to the ICC and the Rome Statute system.

The following summaries offer a glimpse of the many events that made the 19th ASP session an important forum to ensure all actors in international justice are fully informed and engaged:

Several CICC members organised side events focused on specific situations under preliminary examination and investigation by the Office of the Prosecutor.

The national Coalitions of francophone Africa reflected together on the different situations in the **Democratic Republic of Congo, Côte d'Ivoire, Central African Republic, Burundi, Mali and Guinea** drawing lessons for the future development of international criminal justice in Africa.

Lawyers Without Borders Canada (LWBC), the International Federation for Human Rights (FIDH), and Belgium organised a side event focused on the efforts to end impunity for the gravest crimes in the context of the current political transition in **Mali**.

Amnesty International hosted a side event to discuss the developments in the Preliminary Examination in **Nigeria** that has been recently declared concluded by the OTP, in the context of accountability in Nigeria more broadly.

The Coalition for the International Criminal Court (CICC), the International Federation for Human Rights (FIDH), Comisión Mexicana de Defensa y Promoción de Derechos Humanos, Comisión Colombiana de Juristas, Colectivo de Abogados José Alvear Restrepo and Reporters Without Borders hosted a discussion focused on the **crimes against humanity committed in the context of the Latin American region** with the aim of exchanging experience among different actors.

Colectivo de Abogados José Alvear Restrepo, Comisión Colombiana de Juristas, Colombia Diversa, Corporación Humanas, European Center for Constitutional and Human Rights (ECCHR), and Sisma Mujer. Reflected on the current context of **Colombia** and the ICC Preliminary Examination and on the contributions from civil society in advancing the Preliminary Examination.

Defiende Venezuela and Un Mundo Sin Mordaza hosted a side event focused on the situation in **Venezuela**, with the aim of bringing together governments, civil society and human rights defenders to discuss different avenues for accountability for human rights violations committed in the country.

The Ukrainian Legal Advisory Group (ULAG) together with the Netherlands hosted an event focused on the situation in **Ukraine**, reflecting on principle of complementarity and on the respective role of the ICC and national jurisdictions in order to draw lessons for the future of the international justice system.

Other side events considered in general relevant ASP and ICC Processes and issues.

Human Rights Watch (HRW), the International Federation for Human Rights (FIDH), & Liechtenstein, Spain, Switzerland and Sierra Leone reflected on the ongoing **Review of the International Criminal Court**, underlining the importance of a meaningful involvement of civil society, and the perspectives of civil society around the process and its next steps.

Open Society Justice Initiative (OSJI), Women's Initiatives for Gender Justice (WIGJ) &, Austria, The Netherlands organised a discussion to highlight the best practices in **addressing sexual harassment in international organizations**, reiterating the importance of properly vetting incoming staff and the concerns about the negative impact of misconducts on the organization as a whole.

Reflecting on judicial elections at the International Criminal Court, the Open Society Justice Initiative (OSJI) and Switzerland hosted a discussion focused on the **national procedures for the nomination of international judges** and how they can be improved.

No Peace Without Justice, Amnesty International, the Association against Impunity, the International Federation for Human Rights (FIDH), Fortify Rights, the Global Centre for the Responsibility to Protect, the Global Justice Center, Human Rights Watch, Parliamentarians for Global Action and Women's Initiatives for

Gender Justice (WIGJ) and the Embassy of Bangladesh to the Netherlands discussed the efforts made towards the achievement of justice and **accountability for sexual and gender-based crimes committed against the Rohingya** population and how they can be enhanced.

Parliamentarians for Global Action (PGA) together with Uruguay, the Trust Fund for Victims (TFV) and the Dominican Republic organised an event to honor the **memory of Mr Felipe Michelini**, former TFV Board chair suddenly passed in 2020.

The International Center for Transitional Justice (ICTJ) and Australia, France, Germany, and The Netherlands hold a side-event focused on the situation in **Syria**, reflecting in the initiative and efforts to enhance the accountability for international crimes committed in the country.

Stop Ecocide Foundation, the Institute for Environmental Security and Vanuatu hosted a side event to reflect on the possibility of including **Ecocide** as a crime punished by the ICC and the steps needed to achieve that goal. The institute for Environmental Security, Global Witness, Foundation Earth and Greenpeace also organised a discussion on the **impact that the destruction of ecosystems has on indigenous communities**.

Professor Jennifer Trahan of NYU's Center for Global Affairs presented her arguments against the **legality of the use of veto** in the UN Security Council in the face of the commission of atrocity crimes.

Full schedule of side events during ASP19

[Check our website for further information and to watch the recording of ASP19 Side Events.](#)

Tuesday 8 December

- **The Shared Responsibility of Criminal Accountability** (Organized by International Center for Transitional Justice (ICTJ) & Australia, France, Germany, and The Netherlands)
- **Addressing sexual harassment in international organizations - Best practices from Human Rights Organizations for the ICC Elections** (Organized by Open Society Justice Initiative (OSJI) , Women's Initiatives for Gender Justice (WIGJ) & Austria, The Netherlands)
- **International Expert Review of the ICC: Civil society perspectives on next steps** (Organized by Human Rights Watch (HRW), International Federation for Human Rights (FIDH), & Liechtenstein, Spain, Switzerland, and Sierra Leone)
- **Transition politique et lutte à l'impunité au Mali (Political Transition and Combating Impunity in Mali)** (Organized by Lawyers Without Borders Canada (LWBC), International Federation for Human Rights (FIDH), Belgium)

Wednesday 9 December

- **Parámetros para el análisis de exámenes preliminares: el caso de Colombia** (Organizado por Colectivo de Abogados José Alvear Restrepo, Comisión Colombiana de Juristas, Colombia Diversa, Corporación Humanas, European Center for Constitutional and Human Rights (ECCHR), and Sisma Mujer).
- **Crimes Against Humanity and Complementarity in Latin America** (Organized by the Coalition for the International Criminal Court (CICC), International Federation for Human Rights (FIDH), Comisión Mexicana de Defensa y Promoción de Derechos Humanos, Comisión Colombiana de Juristas, Colectivo de Abogados José Alvear Restrepo , Reporters Without Borders)

Thursday 10 December

- **Quel avenir pour la justice pénale internationale au regard de l'expérience de l'Afrique** (Organized by Coalitions de l'Afrique Francophone pour la CPI, World Federalist Movement / Institute for Global Policy (WFM/IGP))
- **The destruction of ecosystems and its impacts on indigenous communities: A role for the ICC?** (Organized by Institute for Environmental Security IES), Global Witness, Foundation Earth, Greenpeace).
- **National Reparations Policies for Survivors of Sexual and Gender-based Violence: Views from Colombia and Mali** (Eng / Fra / Es) (Organized by World Federalist Movement/Institute for Global Policy, MUSONET, Humanas & Norwegian Agency for Development Cooperation (NORAD))
- **Honoring the memory of former TFFV Chair Dr Felipe Michelini on Human Rights Day** (Organized by Parliamentarians for Global Action (PGA), Dominican Republic, Uruguay & the Trust Fund for Victims (TFV))

Friday 11 December

- **Future of International Justice: Accountability Mechanism for Grave Crimes in Ukraine** (Майбутнє правосуддя: Механізм притягнення до відповідальності за найтяжчі злочини в Україні)(Organized by Ukrainian Legal Advisory Group (ULAG), The Netherlands).
- **Ecocide as an international crime: key considerations** (Organized by Stop Ecocide Foundation, Institute for Environmental Security & Vanuatu)
- **Paths to Justice and Accountability for Venezuela. Ongoing Initiatives by the International Community** (Organized by Defiende Venezuela, Un Mundo Sin Mordaza).
- **The Key to Unblocking Security Council Referrals: Vetoes & Atrocity Crimes** (Organized by Jennifer Trahan (New York University), the International Center for Transitional Justice (ICTJ), Costa Rica, the Netherlands, Sierra Leone.
- **Justice and Accountability for Sexual and Gender-Based Crimes Against the Rohingya** (Organized by No Peace Without Justice, Amnesty International, the Association against Impunity, the International Federation for Human Rights (FIDH), Fortify Rights, Global Centre for the Responsibility to Protect, Global Justice Center, Human Rights Watch, Parliamentarians for Global Action and the Women's Initiatives for Gender Justice (WIGJ) & the Embassy of Bangladesh to the Netherlands)
- **National nomination procedures: Why do they matter for judicial elections?** (Organized by Open Society Justice Initiative (OSJI), Switzerland)

