

## Human Rights Watch statement to the Plenary on the Review

International Criminal Court Assembly of States Parties  
Twenty-First Session  
December 7, 2022

### *Check against delivery*

Many thanks for the opportunity to address the plenary on behalf of Human Rights Watch.

As the assessment phase of the Independent Expert Review seemingly nears “completion,” this is an opportune time to discuss the implementation phase and the future of the review process.

We welcome states parties’ intention to renew the Review Mechanism’s mandate to finish any outstanding assessments of recommendations. As part of its work next year, and as indicated in its Report, we encourage the Mechanism to provide guidance on the best way forward for what will be an ongoing implementation phase.

In our view, this implementation phase should be guided by the following principles (in addition to the ones already highlighted by the Coalition for the ICC):

1. Efforts to improve the court’s performance should remain part of the court’s **regular work**. There should also be a **shared commitment** to continue the process of reflection, including a focus on ASP-directed recommendations and the responsibilities of states parties in providing financial, political, and practical support.
2. In deciding on means of reporting, there is a need to **balance accountability with the court’s independence**, including by not overburdening it. This could be achieved through a calendar of quarterly inter-sessional reporting to the Assembly and a standing review agenda item at each annual session.
3. To **avoid bureaucratization** and instead ensure that the process is manageable, reporting on implementation should be streamlined around clusters of recommendations and also include a more holistic approach to topics.
4. There are a number of recommendations which were positively assessed and have **budgetary implications**. Their implementation should not be hindered by a lack of adequate resources.
5. The Review Mechanism could also consider whether there should be a process by which to **revisit assessments**.
6. Finally, we hope you can ensure the continuation of good practices that have allowed **genuine participation of civil society**.

In conclusion, we hope you can commit to actively engaging in next year’s discussions in view of achieving concrete outcomes in full respect of the court’s independence. We look forward to continuing to work with you and the court in our collective effort to strengthen the court’s delivery of justice.

Thank you.