



SUMMARY REPORT

ASSEMBLY OF STATES PARTIES 17

The Hague, 5 - 12 December 2018



COALITION FOR THE INTERNATIONAL CRIMINAL COURT



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

The Coalition Secretariat would like to thank the donors who have supported and continue to support the Coalition's work: the European Union, Irish Aid, the Norwegian Agency for Development Cooperation (Norad) and the governments of Australia, Finland, Liechtenstein, Norway, The Netherlands, Switzerland, and a number of committed individuals and small foundations. 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 the European Union, Irish Aid, or any other donor.



The Coalition for the ICC would like to thank the interns who provided an invaluable contribution to the drafting of the ASP17 Report: Fares Ather, Elise Blackburn, Sandrine Fontaine, Margaux Guint, Geraldine Maitreyi Gupta, Veronica Hassler Ben, Kelly Phan, Siti Putri, Celestine Schorlemer, Catarina Tavarela Mendes, Joelle van 't wout.

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.

CICC Report on the 17th Session of the Assembly of States Parties

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CONVENOR'S NOTE

In the short period of two weeks before the annual summit at the United Nations in September 2018, thirty-five State Party Foreign Ministers endorsed a statement that began:

In July we marked the 20th anniversary of the Rome Statute – an occasion many of us used to reaffirm our commitment to the International Criminal Court (ICC). Just a few months later, it is clear that this is a crucial moment for all of us to speak up and stand up for the Court. We are witnessing an overall erosion of the rules-based international order, which we have worked so hard to establish in the past decades – in the areas of trade, disarmament, climate change and indeed the rule of law and human rights. The ICC is a central achievement of multilateral diplomacy and a true milestone in the development of international law. Due to its mandate of speaking law to power, it has been the target of political attacks for a number of years. It should thus come as no surprise that it is under increasing attack at a time of a broader assault on the rules-based order itself. We will always respect the independence of the ICC, an indispensable feature of any court of law.



As the Coalition Secretariat completes this report on ASP17, it is clear that the conditions described by the Ministers have worsened. Coalition members are declaring that the Court's judicial decisions are being affected by political considerations and threats from powerful governments. As we go to press, Coalition members have called for a major independent review of the ICC that has been endorsed by four former ASP Presidents and by the President, Prosecutor and Registrar of the Court.

In this report of ASP17, held in December 2018, we include a summary of ['highlights' of the Assembly](#) (page 41). It reveals an extraordinary quantity of work and meetings squeezed into a week of meetings. Implementing the ASP17 decisions, and the decisions and actions to be taken by the Court, the ASP and international community during the next two years will be as important as the fateful decision on July 17, 1998. This will include electing almost completely new leadership of the Court and Assembly in 2020 and early 2021.

The Coalition provides these full reports to assist its members, but especially to assist governments, the ICC, international organizations, media, and academia to better understand the governance of the Court, its treaty and the historic effort to end impunity for the worst crimes in international law.

William Pace
Convenor (1995 – 2019)
Coalition for the International Criminal Court

1. INTRODUCTION

This report is an informal summary of the 17th session of the Assembly of States Parties to the Rome Statute (ASP), which took place from 5 – 12 December 2018 in The Hague, The Netherlands.

This report was prepared by the Secretariat of the Coalition for the International Criminal Court (Coalition) in order to summarize the activities of the 17th session of the ASP, discussions, decisions and developments within the framework of the ASP Bureau's working groups, as well as key Coalition initiatives throughout 2018.

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 genocide, war crimes, crimes against humanity and the crime of aggression. 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

Importantly, the annual ASP session in 2018 proved a critical platform for the Coalition and its members to take stock of the Rome Statute system of international justice at the conclusion of its 20th anniversary year, looking ahead, along with States Parties, to the next era of the Court.

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 conflict prevention and sustainable peacebuilding, among others.

As in previous years, civil society participating at the 17th ASP session coordinated its activities through the Coalition. In resuming its convening role at the 17th session, the Coalition facilitated the participation of over 580 participants from almost 160 organizations from all parts of the world in 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, primarily through enhanced dialogues taking place in side events arranged in cooperation with NGOs throughout 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 [17th ASP session webpage](#).

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

2. OPENING SESSION

The 17th ASP session opened on Wednesday 5 December 2018 with a plenary session dedicated to preliminary (and administrative) tasks, several non-judicial elections, and addresses by the ASP President, the ICC President, the ICC Prosecutor, and the Chairman of the Trust Fund for Victims' Board of Directors.

17th ASP session opens



ASP President **H.E. Mr. O-Gon Kwon (Republic of Korea)** opened the 17th ASP session. In his first opening address as ASP President to the ICC member states and other stakeholders in the Rome Statute system, including civil society, Mr. Kwon reflected on the achievements of the International Criminal Court and international

criminal justice in the 20th anniversary of its creation, and outlined some the main challenged still ahead. The ASP President reiterated the importance of the universal ratification of the Rome Statute in the fight against impunity, and the crucial role that the Assembly has to play in encouraging more States to join the system.

Mr. Kwon reiterated the primary responsibility of States Parties to investigate and prosecute Rome Statute crimes in accordance with the principle of complementarity, and the necessity of their cooperation for the enforcement of the Court's decisions.

Court and Trust Fund for Victims address Assembly

Steering proceedings, ASP President Kwon led the adoption of the official agenda for the 17th session before welcoming representatives of the ICC and the Trust Fund for Victims (TFV) to address the Assembly.

In his address to the Assembly 2018, the **President of the Court Judge Chile Eboe-Osuji** reflected on the Role of the ICC in the Rome Statute System and beyond, commending its importance in providing checks to the power of States, and redress to victims, who lie at the heart of the system. Judge Eboe-Osuji advocated for the adequate financial support of states in achieving these goals, and emphasized the value of a fruitful work relationship among the different organs of the Court.

In her address to the 17th Assembly, ICC Prosecutor **Ms. Fatou Bensouda** outlined the achievements as well as the setbacks in the work of the Office of the Prosecutor (OTP) during the year 2018, which marked a consistent increase in the activities of the Office and their geographical scope with the opening of Preliminary Examinations in Venezuela, Philippines, and in relation to the situation of Rohingya. Ms.

Bensouda welcomed the opportunity for reflection provided by the 20th anniversary of the Rome Statute, and commended the support showed by states parties in such occasion.

Ms. Bensouda noted that the OTP's activities would be particularly affected by decisions concerning the ICC budget, and called on all States Parties to take the right decisions in order to ensure the success of the Court in achieving accountability and protection under international criminal law.

Presenting work done by the TFV Board of Directors and Secretariat in 2018, TFV Chairman of the Board **Mr. Motoo Noguchi (Japan)** recalled the ongoing reparations in the cases Lubanga, Katanga, Al Mahdi, and Bemba, and recalled the assistance programs enacted by the Fund. Mr. Noguchi stresses how capacity and resources represent the two greatest challenges to overcome for the Fund and noted that TFV plans to complement Court-ordered reparations in several cases would not be achieved without bolstered voluntary contributions by States Parties to the TFV in 2018.

New ASP Vice-President elected

The election of a new Vice-President was necessary following the departure of the previously-elected Vice-President of the Assembly, H.E. Ambassador Momar Diop of Senegal, on 19 March 2018, due to the end of his term in the Netherlands.

Since Ambassador Diop's departure, the duties of the Vice-President have been executed by **H.E. Ambassador Jens-Otto Horslund of Denmark**. Following the recommendation put forward by the ASP Bureau at its 17th meeting, H.E. Mr. Horslund has been ASP Vice-President elected by acclamation until the end of the 19th session.

The opening plenary session also saw the Assembly elect 5 members of the Board of Directors of the Trust Fund for Victims 8 members of the Advisory Committee on Nominations (ACN) and 1 member of the Bureau following seat-sharing arrangement among States Parties (for more information see [Elections chapter](#)).

3. GENERAL DEBATE

The General Debate of the 17th Session of the ASP began on 5 December with a number of high-level government representatives taking the floor to present their states' positions on various issues within the Rome Statute system. The General Debate spanned three days, concluding on 7 December with statements from Observer states, international organizations, and 11 civil society organizations, including the Coalition for the ICC.

Prior to the 17th session, the Coalition communicated to States Parties the importance of high-level reminders 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:

- High-level political commitment to the ICC and Rome Statute;
- The need to safeguard the integrity of the Rome Statute, including cornerstone principles on the irrelevance of head-of-state authority;
- Commitment to strengthen the ICC's judicial and prosecutorial independence;
- A fair and transparent selection process for the next Prosecutor of the ICC;

- The need for universality of the Rome Statute, as well as for its full implementation into domestic jurisdictions;
- Commitment to enhanced cooperation, including thorough efforts to conclude cooperation agreements with the ICC and to ratify the Agreement on Privileges and Immunities of the ICC;
- Financial commitment to the Rome Statute system, including the ICC budget and voluntary funds;
- The centrality of victims' participation and reparations in the Rome Statute system; and
- Recognition of the Rome Statute system's integral role in conflict prevention and sustainable peacebuilding.

General Debate: Ministerial-level statements

The Attorney General of **Ireland**, Mr. Seamus Woulfe, opened the General Debate on 5 December by welcoming the recent activation of the crime of aggression, and reflecting on the 20th anniversary of the Rome Statute. He underscored Ireland's steadfast support of the Court and Rome Statute system. In reflecting on the work of the Court in the 20th anniversary year, the Irish Attorney General noted the vital work provided by the Trust Fund for Victims (TFV), and announced the government of Ireland's intent to contribute €175,000 to the Fund by the end of 2019.

Mr. Riad Malki, the Minister of Foreign Affairs of the State of **Palestine**, highlighted the need to uphold the integrity and the independence of the Court, particularly in the face of challenges and obstacles which threaten the Rome Statute, further calling on States Parties to defend against external interferences. The Minister commented on the efficiency of Court proceedings, particularly in the ongoing preliminary examination in Palestine, claiming that "*justice delayed is justice denied.*"

Attorney General and Minister of Justice of **The Gambia**, Mr. Abubacarr Tambadou welcomed the report on Geographic Representation and Gender Balance, noting that the legitimacy of the Court will be greatly advanced through the diversity of its staff. Minister Tambadou underscored the principle of complementarity, calling on both the Court and its States Parties to redouble their efforts towards building up the capacity of domestic judicial systems.

The Minister of Justice of **Georgia**, Mr. Gocha Lordkipanidze stated that the effectiveness of the Court depends on complementarity and cooperation, further citing his government's intent to sign sentencing cooperation agreements with the Court. The Minister highlighted the role of victims in investigations, including in the Georgia situation, and called on states to contribute to the TFV in this regard.

Mr. Abubakar Malami, Attorney General and Minister for Justice of **Nigeria**, called for the removal of the veto power from the Permanent Members of the UN Security Council, which continues to undermine the pursuit of international justice. He further discussed exploring the possibility of including cross-border corruption as a crime under the jurisdiction of the Court, citing it as a crime as serious as those listed in article 5 of the Statute.

The Minister of Justice and Security of **The Netherlands**, Mr. Ferdinand Grapperhaus underscored the need for States to work together in order to reinforce the Court, particularly in upholding the principles of complementarity, cooperation and universality. The Minister announced The Netherlands' initiative for a Multilateral Treaty on Mutual Legal Assistance, and called on States to join in the process toward ending impunity.

The Minister of Defense of **Mali**, Mr. Tiena Coulibaly, commenced the second day of the General Debate on 6 December by underscoring his government's ongoing cooperation with the ICC, as seen by the arrest of two accused persons, and reiterated Mali's strong commitment to the Court.

Mr. Mokhele Moletsane, Minister of Justice, Human Rights and Correctional Services of **Lesotho** underscored the importance of complementarity, which would better equip developing states in dealing with grave crimes. The Minister additionally shed light on meaningful participation of victims in proceedings as a unique element of the Rome Statute system, and further highlighted the necessity of outreach and engagement in affected communities.

Ms. Adriana Mejia Hernandez, Vice-Minister for Multilateral Affairs of **Colombia**, stressed that States must take the necessary steps to build their domestic capacity in an effort towards complementarity. She further demonstrated her government's commitment to the Court as seen in its fruitful relationship with the ICC Prosecutor.

Solicitor General and Secretary for Justice of **Malawi**, Ms. Gertrude Lynn Hiwa, highlighted cooperation with the Court as essential to its functioning, yet cited the need for clarification regarding issues such as state cooperation as relates to a head of state.

Mr. Kennedy Ogeto, Solicitor General of **Kenya**, called for fair, equitable and transparent processes to avoid drawn-out trials and issues regarding evidence, as seen in the Bemba and Kenya situations. He went on to reiterate that cooperation is a central obligation of states in accordance with the Statute and the rule of law, and complementarity remains a key element of cooperation.

General Debate: States Parties and observer states

Following the ministerial-level addresses to the Assembly, the General Debate continued on with further interventions from States Parties and observer states. Speaking on behalf of the **European Union (EU)**, **Austria** expressed the EU's unwavering support for the Court, and noted the key role cooperation of States Parties plays in the success of the ICC. The delegate expressed serious concern over the human rights and humanitarian law violations in Syria, and underscored the need for proper mechanisms to achieve justice in Syria and Myanmar.

The government of **Botswana** warmly welcomed the activation of the Court's jurisdiction over the crime of aggression, and expressed that the Court's existence is "crucial for the entrenchment of a rules-based international order", and serves as a deterrent tool in the wider system of international criminal justice.

Underscoring the need for increased geographic balance among the staff of the Court, the government of **Bangladesh** further advocated for a trust fund for this purpose. On the ongoing preliminary examination, the representative of Bangladesh reiterated his country's intent to cooperate fully with officials of both the government of Myanmar and the ICC itself.

The government of **The Philippines**, which deposited its instruments of withdrawal in March 2018, stated that its decision to withdraw was a result of our principled stand against the politicization of human rights. The government of Canada expressed concern about this and previous withdrawals, as well as the number of unexecuted arrest warrants, further citing the need to improve the effectiveness and efficiency of the Court.

The government of **Costa Rica** called on fellow states parties to stand together in order to defend the Court against hostility directed towards multilateral institutions. On the budget, Costa Rica insisted that the Court, the Office of the Prosecutor in particular, must be provided with the resources necessary to comply with its mandate. The representative from **Kenya**, however, expressed disappointment about the increased budget, recommending the Court to distribute its resources more efficiently.

The government of **Liechtenstein** also made a strong appeal to States Parties to defend the Court against political attacks. In reference to cases in which the ICC does not have jurisdiction, he stated that the UN Security Council can fill this void by referring situations to the ICC. On a similar note, the government of **Mexico** underscored that the future of the Court is linked with its relationship with the United Nations, expressed support for measures which prevent the use of veto in cases which involve crimes under the Court's jurisdiction

In its capacity as a non-State Party observer to the Assembly, the government of **China** noted that it is imperative for the ICC to fully listen to the criticisms on the interests of legitimacy and credibility.

The governments of **Japan** and **Venezuela** both called for an open and transparent selection process for the selection of the next ICC Prosecutor, a key decision facing the ASP in 2020. **Japan** went on to announce a contribution of €52,000 to the TFV, and additionally called on fellow States Parties to conduct open dialogues with non-States Parties in an effort towards universality.

In an effort towards attaining complementarity, the government of **Tunisia** used the occasion of the General Debate to announce the drafting of a national bill to allow for the prosecution of the gravest crimes under domestic legislation in accordance with the Rome Statute.

General Debate: Civil society interventions

Following contributions from States Parties and intergovernmental organizations, civil society organizations took the floor at the General Debate. Convenor Mr. William Pace began on behalf of the **Coalition for the ICC**.

The **CICC**, **Parliamentarians for Global Action (PGA)**, **No Peace Without Justice (NPWJ)**, the **American Bar Association (ABA)**, and the **Philippines National Coalition for the ICC** reaffirmed their commitment to the Rome Statute and called on States Parties and civil society to redouble their commitments to the Court. Mr. Pace also announced the release of the Rome Statute Report, which detailed the key role played by civil society in the negotiations that led to the establishment of the Court in 1998. The **Coalition**, **Parliamentarians for Global Action (PGA)**, and the **Nigerian National Coalition for the ICC (N-CICC)** further welcomed the commemorations and stocktaking exercises which took place on the occasion of Rome Statute's 20th anniversary throughout 2018.

FIDH, **HRW** and the **Georgian National Coalition** voiced concern at powerful state actors' political attacks and instances of non-cooperation, thereby limiting the principle of universality. Nearly all civil society interventions underscored that strengthening the principles at the heart of the Rome Statute - universality, complementarity, and accountability - is essential to the proper functioning of the Court. Weakening these commitments could turn public opinion against the Court, fueling accusations of asymmetry or double standards and creating delays in procedures to the detriment of victims. **NPWJ** and the **Georgian National Coalition** also underscored local populations' "*critical lack of awareness*" of the Court's mission and functioning, which could affect the legitimacy of the Rome Statute system.

Speakers discussed specific developments relating to universality and complementarity, such as the relationships between the Philippines, the Gambia, and South Africa to the Rome Statute. The **CICC** welcomed the reversal of the withdrawal processes in the Gambia and South Africa, while the **Philippine National Coalition for the ICC** expressed regret over the withdrawal process in the Philippines, stating that *“if a State Party really believes its domestic justice system actually works, then there should be no fear in relying on the ICC processes...To withdraw is to politicize the matter instead of pursuing the rule of law.”*

Further, several groups called on the Court to put victims first, as reinforced by **Georgian National Coalition**, the **Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)**, and the **Transitional Justice Coordination Group of Afghanistan (TJCG)**. These groups additionally identified the Court’s need for more proactive and meaningful engagement with victims and populations at risk of political violence, and called on States to increase their contributions to the Trust Fund for Victims, so that it may properly exercise its assistant mandate and reparations orders.



(From the left: Mr. Michael Greco, American Bar Association; Ms. Olga Guzman Vergara, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos; Ms. Nino Tsagareighvili, Georgian National Coalition for the ICC)

Complete list of civil society interventions during the General Debate, 17th ASP session

Coalition for the ICC, delivered by Mr. William R. Pace

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/CICC%20Convenor%20Statement%20to%20ASP17%20General%20Debate%20-%206%20December%202018.pdf

Parliamentarians for Global Action, delivered by Ms. Barbara Lochbihler

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20PGA%2006-12-2018.pdf

Nigerian Coalition for the ICC/ANICJ, delivered by Mr. Chino Obiagwu

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/NCICC%20general%20debate%20speech%20-%20ASP17.pdf

Human Rights Center/ Georgian National Coalition for the ICC, delivered by Ms. Nino Tsagareighvili

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20GCICC%2006-12-2018.pdf

American Bar Association, delivered by Mr. Michael Greco

[https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ABA%20Statement%20at%20ASP%2012%207%2018%20\(final\).pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ABA%20Statement%20at%20ASP%2012%207%2018%20(final).pdf)

Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, delivered by Ms. Olga Guzman Vergara

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20CMDPDH%2006-12-2018.pdf

Transitional Justice Coordination Group of Afghanistan, delivered by Mr. Hadi Marifat

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20TJCG%2006-12-2018.pdf

No Peace Without Justice, delivered by Mr. Gianfranco dell'Alba

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20NPWJ%2006-12-2018.pdf

Human Rights Watch, delivered by Mr. Richard Dicker

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20HRW%2006-12-2018.pdf

Philippine National Coalition for the ICC, delivered by Mr. Arpee Santiago

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20PCICC%2006-12-2018.pdf

International Federation for Human Rights (FIDH), delivered by Ms. Guissou Jahangiri

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/GD%20FIDH%2006-12-2018.pdf

4. ELECTIONS

At the 17th ASP session, a number of important positions in the Rome Statute system were filled including one ASP vice-president, one member of the ASP Bureau, five members of the Board of Directors of the Trust Fund for Victims, and all 8 members of the Advisory Committee on Nominations (ACN).

Election of Members of the Board of Directors of the Trust Fund for Victims

At the 17th ASP session, states elected five members of the Board of Directors of the Trust Fund for Victims.

The Board governs the secretariat of the Trust Fund for Victims and is in charge of establishing and directing the Fund's activities and projects and the allocation of resources. The Board has five members, who are elected for a three-year term and serve in an individual capacity on a pro bono basis. Members of the Board of Directors may be re-elected once.

The ASP has established ([ICC-ASP/1/Res.6](#)) that the members of the Board shall be elected on the basis of equitable geographical distribution and taking into account the need to ensure equitable gender distribution and equitable representation of the principal legal systems of the world. The distribution of seats shall be as follows:

- African States: 1 seat;
- Asian States: 1 seat;
- Eastern European States: 1 seat;
- Group of Latin American and Caribbean States: 1 seat; and,
- Western European and Other States: 1 seat.

The Board of Directors is also to be composed of individuals of high moral character with competence in the assistance to victims of serious crimes.

At the closure of the nomination period on 25 September 2018, States Parties had nominated the following candidates for election to the Board of Directors of the Fund:

- BELAL, Sheikh Mohammed (Bangladesh)
- HELIĆ, Arminka (United Kingdom) – incumbent member
- KOITE DOUMBIA, Mama (Mali) – incumbent member
- LORDKIPANIDZE, Gocha (Georgia)
- MICHELINI, Felipe (Uruguay) – incumbent member

As the number of candidates was equal to the number of vacant seats, the candidates have been elected by acclamations without objections by the Assembly.

Election of Members of the Advisory Committee on Nominations

At the 17th ASP session, states also elected 8 members of the Advisory Committee on Nominations (ACN). The ACN is mandated to facilitate ensuring that the highest-qualified individuals are appointed as Judges of the International Criminal Court ([ICC-ASP/10/36](#)).

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

At the closure of the nomination period on 9 October 2018, and in keeping with the limitation of 3 for the number of extensions of the nomination period, States Parties had only nominated 8 candidates for election to the Advisory Committee on Nominations:

- BARRAK, Ahmad (State of Palestine)
- BÎRSAN, Corneliu (Romania)
- COTTE, Bruno (France) – incumbent member
- FULFORD, Adrian (United Kingdom) – incumbent member
- KAMBUNI, Lucy Muthoni (Kenya)
- MONAGENG, Sanji Mmasenono (Botswana)
- STEINER, Sylvia Helena De Figueiredo (Brazil)
- VELTZÉ, Enrique Eduardo Rodríguez (Bolivia)

Following the recommendation of the Bureau, the 8 candidates have been elected by the Assembly. The 9th candidate will be elected during the upcoming 18th session of the Assembly.

Election of an ASP Bureau Member

At the conclusion of the 17th ASP session, the State of Palestine stepped down as a member of the Bureau for one year, as per the following seat-sharing arrangement agreed among Bangladesh, Japan, and the State of Palestine:

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

Following the recommendation of the Bureau, Bangladesh was elected member of the Bureau for the 18th ASP session.

5. 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.

The 17th session of the ASP acknowledged the importance of Cooperation in the Rome Statute System with a special plenary discussion on the subject outlining the challenges and opportunities ahead. The plenary session was moderated by **ASP President Judge O-Gon Kwon**, joined by the **First Vice-President of the ICC Judge Robert Fremr**, and the *ad country* co-focal points for cooperation the **Ambassador of France H.E. Mr. Philippe Lalliot** and the **Ambassador of Senegal H.E. Mr. Momar Guèye**.

The first segment of the plenary considered the issue of financial investigations and provided a follow up to the commitments made in the Paris Declaration on Assets Recovery; **Ms. Aurélia Devos, Deputy Prosecutor and Chief of Section at the Unit for Crimes against Humanity and War Crimes at the Paris public prosecutor's office**, intervened in the discussions. The segment's open debate meanwhile included a joint statement on behalf of 11 non-governmental organizations (NGOs) lamenting the Assembly's failures to adequately respond to past instances of non-cooperation.

Another segment of the special plenary session on cooperation reflected upon the conclusions of 7 November 2018 seminar entitled "Arrests: a key challenge in the fight against impunity", organized and facilitated by the *ad country* co-focal points on cooperation. The seminar had brought together national and international stakeholders, including representatives of civil society, to discuss key issues related to the arrest of suspected international criminals, focusing in particular on the issuance and implementation of warrants of arrest. The segment opened with a key intervention by the **ICC Prosecutor Ms. Fatou Bensouda**, followed by interventions of the INTERPOL, the **Registrar of the Court Mr. Peter Lewis**, and the **President of the ICC Bar Association Mr. Chief Charles Taku**.

The third segment of the plenary session focused on Voluntary Agreements, allowing for an opportunity to monitor the progresses made in relation to the priorities identified in 2017. During the discussions, states parties shared their national successful experiences.

The plenary session on cooperation concluded with the **signing of an agreement on the execution of sentences by Slovenia**.

Standing topics—such as advancing awareness of the number of available bilateral cooperation agreements between States Parties and the Court, and work towards a coordinating mechanism for national authorities dealing with cooperation—continued to be addressed by the Hague Working Group facilitation in 2018; new priorities have also been added to the agenda, including the Court's relationship with the United Nations and the Security Council and the celebrations for the 20th anniversary of the signing of the Rome Statute. The discussions undertaken focusing on these priorities are reflected in the [resolution on cooperation adopted at the 17th ASP session](#).

Financial assets tracking

The identification, tracing and freezing of financial assets has become an increasingly relevant objective of cooperation, and in particular in the lead-up to the 16th ASP session with the 20 October 2017 Paris Seminar and the signing of a non-binding declaration, then annexed to the ASP resolution on cooperation. The discussions offered an opportunity to build on the commitments made in the Paris Declaration by providing updates on ongoing initiatives undertaken in relation to financial investigations.

Ms. Aurélia Devos, Deputy Prosecutor and Chief of Section at the Unit for Crimes against Humanity and War Crimes of the Paris Public Prosecutor Office, intervened during the session to discuss challenges and prospects of financial investigations, highlighting their twofold purpose as source for victims' reparations on one hand and for evidence gathering on the other.

Ms. Devos stressed the need to achieve stronger and more permanent cooperation between States Parties and the Court as the way forward towards more effective financial investigations. The Deputy Prosecutor additionally underlined the importance for Intelligence Services to go beyond the investigations on money laundering in relation to organized crime, and to cooperate with financial institutions to detect and recover funds that support the commission of war crimes, crimes against humanity and genocide.

At the conclusion of the 17th ASP session, States Parties reaffirmed the importance of financial investigations through language in both the cooperation and omnibus resolutions and mandates. According to these resolutions and mandates, the Assembly of States Parties:

"Recognizes that effective and expeditious cooperation with regard to the Court's requests for the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crime is crucial to the provision of reparations to victims and for potentially addressing the costs of legal aid" ([ICC-ASP/17/Res.3, O.P.11](#)).

"Underlines the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, welcomes the Court's report and comprehensive presentation on cooperation challenges faced by the Court with respect to financial investigation and calls upon all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitate cooperation between the Court, States Parties, other States and international organizations" ([ICC-ASP/17/Res.5, O.P.27](#)).

"Stresses that, since the identification, tracing and freezing or seizure of any assets of the convicted person are indispensable for reparations, it is of paramount importance that all necessary measures are taken to that end, in order for relevant States and relevant entities to provide timely and effective assistance pursuant to articles 75, 93,

paragraph 1(k), and 109 of the Rome Statute, and calls upon States Parties to enter into voluntary agreements, arrangements or any other means to this end with the Court, as required;" ([ICC-ASP/17/Res.5, O.P.109](#)).

"Mandates the Bureau, through its Working Groups, to continue discussions on cooperation on financial investigations and the freezing and seizing of assets as set out in the Declaration of Paris" ([ICC-ASP/17/Res.5, Annex I, e\(h\)](#)).

Follow up on The Hague Seminar on arrest strategies

Since its thirteenth session, the Assembly has been discussing a report on arrest strategies and has repeatedly urged the Bureau to formulate recommendations to the attached draft action plan, with a view to its adoption. As mandated by the Assembly, the *ad country* co-focal points for cooperation conducted informal consultations in 2017 and 2018. ([ICC-ASP/17/17, O.P. 18-21](#)).

On 7 November 2018, the *ad country* co-focal points together with the Court and the International Organisation of La Francophonie facilitated a seminar entitled "Arrests: a key challenge in the fight against impunity". The seminar focused on key aspects of the cooperation between the Court and national authorities in arresting persons suspected of committing Rome Statute crimes, including the issuance of warrants of arrests, the implementation of effective cooperation, and the necessity to respect fundamental rights.

The Prosecutor of the ICC, Ms. Fatou Bensouda, stressed that cooperation is key to the success of the international justice system, and welcomed the opportunity to engage with the co-facilitators on the issues of financial investigations and arrests. While calling on States Parties to continue cooperating with the Court in carrying out its mandate, the Prosecutor highlighted the achievements of the OTP in the surrender of Alfred Yekatom, thanks to a fruitful cooperation with the authorities of the Central African Republic, and of Al Hassan Ag Abdoul Aziz Ag Mohammed Ag Mahmoud, thanks to a fruitful cooperation with the authorities of Mali.

Mr. Sylvain Leprivey of the Sub-Directorate of Investigative Support for fugitives of the INTERPOL, emphasized the role that the network of national police forces can play, as natural partner of the International Criminal Court, in identifying and apprehending international fugitives, and recalled the agreements in place with the Office of the Prosecutor to allow the access to databases and the exchange of information.

The Registrar of the Court, Mr. Peter Lewis, used the occasion of the special plenary to share lessons learnt from the recent arrests carried out, underlining cooperation with the interested states as a key to the success of such operations. Mr. Lewis pointed out some of the most concrete challenges related to the execution of warrants of arrests, and stresses the internal cooperation among different organs of the Court as another key factor in the successful surrender of suspects.

Austria, intervening on behalf of the European Union, declared that EU Member States are ready to undertake measures aimed at strengthening the cooperation with the ICC while continuing to advocate for the universal ratification of the Rome Statute and the APIC Agreement. Austria further encouraged states parties to establish national focal points to facilitate the relationship with the Court, and denounced non-cooperation as a threat to the Court as well as a breach of international obligations.

Several States Parties aligned themselves in reaffirming the importance of cooperation for the effectiveness of the ICC, including the United Kingdom, Chile, Spain, Norway, the Netherlands, Japan, Mexico, Brazil, the

Republic of Korea and Czech Republic. **Mr. Bastien Hanard of the Belgian Task Force for International Criminal Justice** shared the successful experience of cooperation between the Court and the Belgian Central Authority dedicated to cooperation.

According to the Resolution on Cooperation, the Assembly:

"Welcomes the seminar organized by the co-facilitators on cooperation with the Court entitled "Arrests: a key challenge in the fight against impunity" held on 7 November 2018 at the Court's premises in The Hague, appreciates the contributions of the participating international and national experts aimed at identifying practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants, and underlines the necessity to continue the discussions on these and other proposals contributing to ensuring the arrest and surrender of suspects;" ([ICC-ASP/17/Res.3, O.P.4](#)).

"Encourages the Bureau to identify issues for the Assembly to continue holding plenary discussions on specific topics related to cooperation, including on the issue of financial investigations and arrests;" ([ICC-ASP/17/Res.3, O.P.29](#)).

Voluntary Agreements



The subject was a priority in 2017 and the *ad country* co-focal points continued to engage in informal discussions with States Parties that envisaged signing a voluntary agreement with the Court in 2018.

During the session, several states that have concluded voluntary agreements with the Court have shared their success stories in carrying out a more effective cooperation. These states include Argentina, Sweden, Mali and Ecuador.

The Special cooperation plenary concluded with the signing ceremony of an enforcement of sentences cooperation agreement between Slovenia and the Court.

Non-cooperation on the eve of Rome Statute's 20th anniversary

Civil society groups continued to call during the 17th ASP session for the topic of non-cooperation to figure as a standing agenda item at all annual sessions. At its 16th session, the Assembly 14 December adopted an ["Understanding with respect to article 97\(c\) consultations,"](#) following discussions in 2017 led by Ambassador María Teresa Infante Caffi (Chile) in the Working Group on the implementation of Article 97 and work by a drafting group led by Ambassador Sabine Nölke (Canada). At its 17th session, the ASP adopted revised Assembly procedures relating to non-cooperation which have been annexed to the Omnibus Resolution ([ICC-ASP/17/Res.5, Annex II](#)).

6. AMENDMENTS

At its 16th session, the Assembly adopted three amendments to Article 8 of the Rome Statute, which deals with war crimes: the use of microbial, biological or toxins weapons; the use of weapons that injure by fragments undetectable by X-rays; and the use of laser-blinding weapons.

Following these updates, in 2018, the Working Group on Amendments (WGA), chaired by **Amb. Juan Sandoval Mendiola (Mexico)** and meeting in New York, focused on clarifying the substantive views of the amendment proposals at hand, as well as on achieving greater clarity on the procedure to be followed in dealing with amendment proposals. Throughout 2018, States Parties addressed several issues within the WGA including increasing the number of ratifications of the Article 8 amendments as well as continued discussions on the fourth proposed amendment on the use of antipersonnel mines and Mexico's proposal on criminalizing the use of nuclear weapons in the Rome Statute. While the latter two issues remain on the table, discussions have been paused. The group also discussed Switzerland's proposal to include starvation as a war crime in non-international armed conflicts (NIAC) under Article 8.

The WGA also discussed amendments to the Rules of Evidence and Procedure, particularly on Rule 26, which concerns the receipt of complaints. The amendment was originally proposed by the former Head of the Independent Oversight Mechanism. At the 17th session, following the recommendation in the Report of the Working Group on Amendments, the ASP adopted the *Resolution on amendments to rule 26 of the Rules of Procedure and Evidence*.² The amended text expands to include the receipt and admissibility of complaints, and explicitly outlines the role of the IOM in this process.

7. ICC BUDGET FOR 2019

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 2018, the Court proposed a 2019 programme budget of **€147.55 million**, an increase of 2.6% over the budget allocated for 2018. Following its September 2018 session, the CBF recommended a budget of **€144.87 million**, with total reductions in the amount of **€2.68 million**, translating to a .06% growth in relation to the 2018 approved budget.

During 2018, States Parties considered budgetary matters within the ASP Bureau's Working Group on the Budget, facilitated by **Ambassador Jens-Otto Horslund (Denmark)**. A sub-facilitation on budget management and oversight was led by Ambassador Eduardo Rodríguez (Bolivia) while Ambassador Willys Delvalle (Panama) led discussions on the ICC premises.

² https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/RES-2-ENG.pdf

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.

The Working Group on the Budget resumed facilitating negotiations during the 17th ASP session, resulting in the adopted *Resolution on the proposed programme budget for 2019, the Working Capital Fund for 2019, the scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriations for 2019 and the Contingency Fund* (ICC-ASP/17/Res.4).

According to the [17th ASP session budget resolution](#), the approved 2019 programme budget—minus the Host State Loan (€3,585,100)—is **€144,550,000**, with the following appropriations for several of the major programmes:

Major programme	Approved 2018 budget (thousands of euros)	Requested 2019 budget (thousands of euros)	Approved 2019 budget (thousands of euros)
I: Judiciary	12,712.0	12,377.8	12,107.6
II: OTP	45,991.8	48,100.8	46,802.5
III: Registry	77,142.5	77,126.3	76,651.2
IV: ASP Secretariat	2,718.2	2,871.6	2,841.7
V: Premises	1,498.5	1,800.0	1,800.0
VI: TFV Secretariat	2,541.5	4,027.8	3,130.3

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.

Presentations on the ICC budget

During the plenary presentations on the Court's 2019 programme budget during the 17th ASP session, the **ICC Registrar, Mr. Peter Lewis**, presented the 2019 request while the **CBF Chair, Mr. Hitoshi Kozaki (Japan)**, presented the CBF's recommendations.

In his presentation to the Assembly, Mr. Lewis acknowledged the significant investment made by States Parties to funding the Court, despite numerous challenges to domestic public spending. The Registrar further contended that efforts to improve the Court and make it more effective—while reducing costs—underscore the value of this investment made by states in the ICC, particularly in the 20th anniversary year.

The Registrar highlighted the fact that the proposed programme budget for 2019 was the lowest in recent years, despite the significant workload: at the time of the statement, the Court was operating in 11 situations, with eight active investigations and preliminary examinations in nine situations.

During the presentation, Mr. Lewis pointed to the key relationship between the CBF and the Court, underscoring the importance of clear and transparent dialogue between the two, in addition to mutual trust. The Registrar also highlighted several issues that were carefully dealt with by the CBF, including liquidity, the Contingency Fund and the Working Capital Fund.

Following the adoption of the budget, Argentina, Belgium, Costa Rica, Finland, Liechtenstein, Luxembourg, the Netherlands, Slovenia, Sweden and Switzerland, Belgium delivered a statement³ outlining their position on the programme budget of 2019. The delegations expressed their disappointment in the ASP's adoption of a budget which was lower than recommended by the CBF, which was already a modest 0.6% increase. They further expressed fear that the operational capacity of the Court will be negatively impacted by an insufficient budget, therefore rendering the ICC incapable of effectively implementing its mandate in the fight against impunity, particularly in this time of turbulence and numerous threats. The statement went on to highlight the perilous situation faced by the Court in terms of liquidity, to which no long-term measures were agreed upon to address.

Subsequently, the delegate from Brazil expressed regret over the adoption of the nominal growth budget and made known their inability to join the consensus, arguing that an ever-increasing budget is unsustainable and detrimental in the pursuit towards universality.

Remuneration of ICC Judges

At the 16th session of the ASP in 2017, the Bureau established⁴ a working group, based in The Hague, mandated to discuss a mechanism to consider a revision of the judges' remuneration. The working group, chaired by **H.E. Fernando Bucheli (Ecuador)**, held eight meetings in 2018, which were open only to States Parties. Members of the group discussed the frequency of a mechanism for review; who should undertake such a review; and the criteria and elements to be considered during a review. At the 17th session, the Assembly adopted a resolution⁵ which took note of the report of the Working Group, and extended its mandate for another year. The resolution also requested the Registry to commission an expert study of the judges' remuneration, and to consider the possible terms of reference for such a review mechanism.

8. 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 retributive and restorative 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 (*See Chapter 12 for details on discussions in 2018 regarding victims participation in ICC proceedings*). The Rome Statute also established victims' rights to seek and receive reparations. Reparations are not limited to monetary compensation; they can come in many forms, including rehabilitation.

³ https://asp.icc-cpi.int/iccdocs/asp_docs/asp17/ICC-asp-17-20-vol-I-ENG.pdf, Annex IV, pg. 72

⁴ https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/ASP16/ICC-ASP-16-Res1-ENG.pdf, Section N, PP2.1

⁵ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/RES-1-ENG.pdf

On 11 December 2018, State Parties, the Court, members of civil society and practitioners discussed the achievements and challenges of victims' participation and representation during a special plenary session. **Mr. Hiram Abtahi**, Acting Chef de Cabinet at the ICC Presidency, highlighted the



importance of the victims' application process in victim participation. He outlined the efforts adopted by the Court throughout the years to expedite victim application process and reduce victims' waiting time, which included utilizing online applications forms and online interviews.

Ms. Christine Alai, Technical Advisor at the International Commission of Jurists-Kenya Chapter, revealed that the victims had expressed concerns in relation to legal teams that did not reflect the nuances of their experiences. Given the large number of victims who participate in each case, **Mr. Francisco Cox**, Legal Representative of Victims in the *Ongwen* Case, mentioned that the challenge had been to find ways to properly communicate with the victims so as not to reduce them to a label and ignore the fact that not all victims want the same things. The Panelists further mentioned that holding regular communications with the victims, both in large and small groups, would thus be necessary to ensure mutual understanding between the Court and the victims.

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, **Mr. Motoo Noguchi**, 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 of 2018. In particular, his presentation outlined the achievements made by the TFV through its implementation of assistance programmes in Uganda and eastern DRC.

Reparations

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

Three cases before the Court are currently in the reparations phase, ranging from draft implementation plan (*Al Mahdi* in Mali) to implementation phase (*Lubanga* and *Katanga* in the Democratic Republic of Congo).

Each of the three cases now at the reparations stage involve different crimes, which have resulted in diverse and distinct harms to the victims and their families. Reparations proceedings may potentially occur in *Ntaganda*, *Gbagbo and Blé Goudé* and *Ongwen*, subject to convictions. In partnership with the Court, the Trust Fund's task is now to ensure that the design of awards for reparations are responsive to the specific harms suffered by victims in each case as found by the respective Trial Chambers, and that, through their efficient and timely implementation, the promise of reparations can become a concrete and meaningful reality for victims, setting them on a path to healing and positive reintegration within their families and communities.

Faced with these developments, for 2019, the Fund had requested an increase of €1.48 million or 58.5% from the 2018 APB of €2.54 million, to meet its rapidly expanding and intensifying responsibilities during the implementation phase of reparations proceedings. For 2019, the Assembly has approved a budget for the TFV of €3.13 million.

Trust Fund for Victims Board of Directors in 2019

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** (Georgia, representing Eastern European states); **Mr. Felipe Michelini** (Uruguay, representing Latin American and Caribbean states); **Ms. Arminka Helić** (United Kingdom of Great Britain and Northern Ireland, representing Western European and Other states).

In its Omnibus resolution, the Assembly:

"Acknowledges the importance of protective measures for victims and witnesses, including considering the best interests, rights and well-being of children and maintaining the physical and psychological welfare of witnesses, particularly victims of sexual and gender-based crimes, for the execution of the Court's mandate;" ([ICC-ASP/17/Res.5, O.P. 108](#)).

"Recalls the Court's previous commitment to review its Revised Strategy in Relation to Victims once a judicial cycle is finished, and therefore requests the Court to submit an updated strategy, including measurable and time-bound objectives, to the Assembly at its eighteenth session;" ([ICC-ASP/17/Res.5, O.P. 109](#)).

9. 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.

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 underscore its commitment to defend against any threats directed towards the Court, its officials and those supporting it. 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.

On **universality**, the resolution notes with regret the withdrawal submitted by the Philippines in March 2018, and further underscores the openness and transparency of meetings of the Assembly and its subsidiary bodies as a tool in the promotion of universality.

States also welcomed the many events and activities that took place throughout 2018 in commemoration of the **20th anniversary of the Rome Statute**, organized by States, the Court, regional organizations and civil society. Key high-level events are listed by name, accompanied by an annex with a comprehensive list of events from throughout 2018.⁶

States also welcomed the recent activation of the Court's jurisdiction of the **crime of aggression**, recalling the achievements of the Rome and Kampala conferences. Further, the Assembly invited States who have not yet done so to ratify the crime of aggression and other war crimes amendments to article 8 of the Statute.

Regarding the **review of its working methods**, the Assembly mandated the Bureau to assess the current scheduling of the annual session, which would include benefits and challenges to the timing, length, and location of the Assembly, with a view towards improving its efficiency.

The Assembly additionally requested the Court to explore mechanisms that would improve the **geographic balance of staff**, particularly in the intern, visiting professional and JPO programs, while additionally considering the sustainable funding of these programs.

On **victims and affected communities**, the Assembly expanded on its acknowledgement of protective measures for witnesses and victims, highlighting the well-being and rights of children, and the psychological and physical welfare of witnesses, particularly victims of SGBV.

While usually included in the Omnibus resolution, the Assembly was unable to confirm the date for its 19th session. Instead, it requested the Bureau to finalize the dates and venue of the next session no later than 31 January 2019.

⁶ https://asp.icc-cpi.int/en_menus/asp/asp%20events/20a/Pages/default.aspx

10. 20TH ANNIVERSARY OF THE ROME STATUTE

The Rome Statute was adopted on 17 July 1998, making 2018 a year of celebrations. Throughout the year, the Coalition has encouraged states to use the opportunity of the 20th anniversary celebrations to encourage all stakeholders to take concrete steps towards the universality of the Rome Statute, the adoption of national implementing legislations, the ratification of APIC, and the conclusion of voluntary agreements in view of an enhanced cooperation.

The Coalition acknowledged the several initiatives carried out by a wide range of stakeholders on the occasion of the anniversary, and the renewed commitment towards the values of the Rome Statute expressed on several occasions throughout the anniversary year. A round-up of the different activities is available on the website of the Coalition: <http://www.coalitionfortheicc.org/rome-statute-20-calendar-2018>.

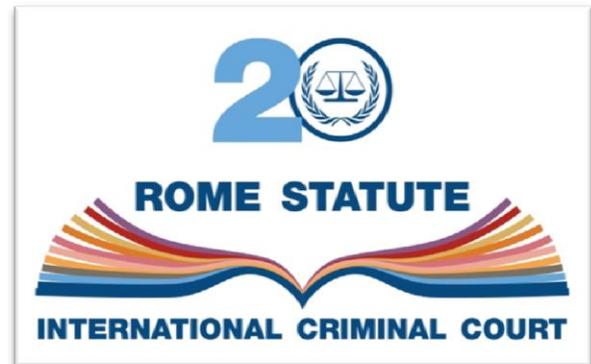
For its part, the Coalition launched its 20th anniversary commemorations on 15-16 February 2018, convening in The Hague stakeholders involved at all levels in the Rome Statute system to celebrate and honor the state and international organization leaders, as well as the Coalition members, who helped achieve the historic victory for peace and justice that is the establishment of the only permanent international court mandated to end impunity for genocide, war crimes, crimes against humanity, and the crime of aggression.

At the launch, and throughout the year, while celebrating this historic advance in peace, justice, and international law, the Coalition has encouraged all stakeholders to take stock of the treaty and the international justice system it created - from its progressive provisions to unexpected lacunae; from its idealistic vision to an increasingly challenging political reality. Crucial to this process of reflection has been the consideration of the ongoing challenges faced by the Rome Statute system and by other multilateral institutions in an increasingly hostile international political environment, and how the future of effective, independent, and fair international justice can be assured.

To build on the momentum created by the 20th anniversary of the Rome Statute, the Coalition has called on stakeholders to also look to create awareness-raising and knowledge-sharing opportunities to foster new likeminded partnerships with not only governments and intergovernmental organizations, but also within the diverse field of civil society working on matters related to international justice, rule of law, and sustainable peacebuilding, among others.

In support of this momentum, the Coalition published a “Toolkit for commemorating a milestone in the fight against impunity,” offering concrete suggestions for action targeted to States, international and regional organizations, the Court, civil society and the media, which is available for download in English and French on the Coalition website:

http://www.coalitionfortheicc.org/sites/default/files/cicc_documents/CICC%20RS20%20Toolkit_0.pdf



Special session on Rome Statute 20th Anniversary

The seventeenth session of the Assembly emphasized the several celebrations that took place in relation to the 20th Anniversary of the Rome Statute during a Special Plenary on 7 December 2018.

The session opened with the projection of a short video put together at the initiatives of the *ad country* co-focal points for Cooperation, France and Senegal, entitled “With the ICC, I fight against impunity”. In the video, several stakeholders in the field of international justice declare their commitment towards the Court. <https://www.youtube.com/watch?v=GU0uMt8VLeg>.

The Special Plenary session was moderated by **ASP Vice-President H.E. Mr. Michal Mlynár (Slovakia)**. In his opening remarks, he recalled the establishment of the International Criminal Court as a milestone in the fight against the most heinous crimes. H.E. Mr. Mlynár denounced the challenges posed by a not yet universally ratified Statute, and by the unequal geographical representation of the regions of the world. The ASP Vice-President honored the important impact of civil society efforts around these goals, and encouraged all stakeholders to redouble efforts so that ICC can achieve even greater successes in the future.

Serving as keynote speaker, **ICC Prosecutor Fatou Bensouda** praised the involvement of stakeholders at all levels in the celebrations connected to the 20th Anniversary of the Rome Statute, as a means of creating awareness and understanding about the ICC. Ms. Bensouda declared the commitment of the OTP to work with stakeholders at all levels to advance the capacity to address grave international crimes. The ICC Prosecutor condemned the increasing attacks towards the Court and International Criminal Justice in General, and stressed the importance of youth in reaching a more just world.

Following the remarks of the ASP Vice-President were statements by the Ambassador of Costa Rica **H.E. Mr. Sergio Ugalde**, the Ambassador of Romania **H.E. Ms. Brândușa-Ioana Predescu**, the Ambassador of Chile to the Netherlands **H.E. Ms. María Teresa Infante Caffi**, Legal Counsel for the African Union, **Ms. Namira Negm**, and the ICC Convenor, **Mr. William R. Pace**.

During his presentation, Mr. Pace used the occasion of the 20th anniversary of the Rome Statute to stress the danger entailed in the increasing threats and challenges that the Court and ICL Institutions are facing. After recalling the negotiations which led to the Statute and some of the innovations therein included, Mr. Pace outlined how the ICC remains the most important instrument for the prosecution of grave international crimes, and reaffirmed the role of the Coalition for the ICC in supporting the Court and striving for its improvement.

Following the panel presentations, a number of States Parties delegations took the floor to voice their support for advancing the Rome Statute system on the occasion of the Statute’s 20th anniversary: Sierra Leone, Palestine, Brazil, Liechtenstein, New Zealand, Austria on behalf of the European Union, France, Portugal, Mexico, Italy, Bangladesh, Chile, South Africa, and Human Rights Watch. Due to time constraints, other delegations and several civil society organizations were unable to speak as scheduled, and were invited to submit their statements in writing.

11. SELECTION OF THE NEXT ICC PROSECUTOR

ICC Prosecutors are elected for nine-year terms by the Assembly of States Parties. The Assembly will elect the next Prosecutor at its 19th session in 2020.

Ahead of the last Prosecutor election, the ASP Bureau had established a Search Committee for the position of the Prosecutor of the ICC in 2010. This body, comprised of one representative per regional group, was given a mandate to “facilitate the nomination and election, by consensus, of the next Prosecutor.” In fulfilling this function, it produced a shortlist of at least three suitable candidates where possible for consideration by the Bureau.

In the months leading up to the 17th session, the Coalition welcomed early discussions carried out in the Bureau, as well as the proposal put forth by ASP President O-Gon Kwon to establish a search committee to assist the Bureau and ASP in the selection of the next Prosecutor. As indicated by a number of States and civil society organizations in their General Debate interventions, the election of the ICC Prosecutor is a crucial decision, impacting almost every aspect of the Court and its Assembly.

At its final meeting of 2018, the Bureau formally decided⁷ to establish a Prosecutor Selection Committee. Discussions on the need, purpose and type and composition of such a body would be taken up by the Bureau in early 2019, with an aim to have the group start its work as soon as possible, while taking into consideration discussions with each regional group and civil society.

12. THE INDEPENDENT OVERSIGHT MECHANISM (IOM)

The Independent Oversight Mechanism (IOM), was established by resolution ([ICC-ASP/8/Res.1](#)) at the 8th ASP session in November 2009 in accordance with article 112 (4) of the Rome Statute. The ASP set out the operational mandate of the IOM at the 12th session in November 2013 ([ICC-ASP/12/Res.6](#)) which established a clear scope for the IOM’s investigative and discretionary authority.

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

Head of the IOM

With the first Head of the IOM, Mr. Ian Fuller, having resigned in October 2017, the Bureau undertook a recruitment process for the new Head of the IOM in 2018. The Bureau constituted a recruitment panel composed of representatives of five States Parties, and requested the support of external experts. The process led to the recruitment of Mr. Saklaine Hedaraly who assumed the post on 1 November 2018.

Review of the IOM’s mandate

The Hague Working Group held four consultations in 2018 on the review of the work and the operational mandate of the IOM. During the facilitations, the issue of identifying the purpose, methodology, and scope of the review was discussed, taking into account the weaknesses of the existing operational mandate.

⁷ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-2018-Bureau-22.pdf

At its seventeenth session, the Assembly adopted a Resolution on amendments to rule 26 of the Rules of Procedure and Evidence ([ICC-ASP/17/Res.2](#)). The Resolution, establishes a new Rule 26:

“Rule 26 Receipt and admissibility of complaints

1. For the purposes of article 46, paragraph 1, and article 47 of the Statute, any complaint concerning any conduct defined under rules 24 and 25 shall include the grounds on which it is based and, if available, any relevant evidence, and may also include the identity of the complainant. The complaint shall remain confidential.

2. All complaints shall be transmitted to the Independent Oversight Mechanism which may also initiate investigations on its own motion. Any person submitting such complaints may also elect to submit a copy to the Presidency of the Court for information purposes only.

3. The Independent Oversight Mechanism shall assess complaints and set aside those complaints which are manifestly unfounded. Where a complaint is set aside as manifestly unfounded, the Independent Oversight Mechanism shall provide its reasons in a report which shall be transmitted to the Assembly of States Parties and the Presidency.

4. All other complaints shall be investigated by the Independent Oversight Mechanism. The Independent Oversight Mechanism shall transmit the results of any investigation, together with its recommendations, to the Assembly of States Parties and any other competent organ(s) as set out in articles 46 and 47 of the Statute, and rules 29 and 30.”

13. SIDE EVENTS TO ASP17

Numerous events that took place during the 17th ASP session, the majority of which were co-organized between governments and non-governmental organizations, provided opportunities for enhanced dialogue around developments, obstacles, and future prospects within or related to situations under investigation or preliminary examination by the ICC Office of the Prosecutor (OTP).

The following summaries offer a glimpse of the many events that made the 17th ASP session an important forum to ensure all actors in international justice are fully informed and engaged:

Afghanistan

On December 7, the Transitional Justice Coordination Group–Afghanistan (TJCG), Human Rights Watch (HRW), and the International Federation for Human Rights (FIDH) organized a side event entitled, *Listening to victims from Afghanistan – Views of Afghan society on the ICC and the peace process*, which looked at the peace process negotiations between the Afghan government and the Taliban from the perspective of victims. Horia Mosadiq of the TJCG cited numerous challenges with the current Afghan peace process, which she believes to be less of an inclusive dialogue than a ceasefire. She further underscored the necessity for a national consultation conducted by the Afghan government in order to ensure that victims’ voices are being heard.



Georgia

The side event entitled, *10 years After the War: Victims of the Georgia Situation Security of victims*, was co-hosted by Georgia, the Netherlands, and Justice International on 8 December to discuss the on-going struggles of internally displaced persons from Georgia. Nino Jomaridze of the Georgian Young Lawyers Association (GYLA) revealed a result of the questionnaires sent by Georgian NGOs to victims, which showed that the majority of the IDPs experience varying degrees of systemic socio-economic problems.



Iraq

On 8 December, the Kurdish Organization for the Coalition for the ICC (KONICC) organized a discussion on *Prosecution of War Crimes in Iraqi Kurdistan: the ISIS case and the Saddam Hussein Case*. Rizgar Mohammed Aminsho, former Judge at the Supreme Iraqi Criminal Court, opened the discussion by describing how past attempts to bring justice to the Kurds in Iraq have failed. Panelists discussed the existing external political involvement in Iraq which has exacerbated challenges related to access to justice.

State of Palestine

On 10 December, the International Association of Democratic Lawyers (IADL) organized a side event on *Prosecuting International Crimes Committed Against the Palestinian People*. Panelists underlined the need for intervention by the international community to support the opening of an investigation by the Office of the Prosecutor. One of the panelists, Ms. Katherine Gallagher from the Center for Constitutional Rights, noted that the widespread and systematic nature of the crimes committed in Gaza could possibly fall under crimes against humanity.

Philippines

On 7 December, The Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH) and the International Federation for Human Rights (FIDH) organized a side event on *Drug-trafficking, Public Policy and Crimes against Humanity – Discussing the situations in Mexico, the Philippines and Colombia*. The side event addressed the situations in Mexico, the Philippines, and Colombia, where crimes against humanity were allegedly committed as a part of the three countries' public policies on the 'war on drugs'. Panelists argued that this approach was taken partly because the governments saw the drug-trafficking issue as exclusively a security issue.

Syria

Although an international justice mechanism is absent in Syria, the principle of universal jurisdiction could serve as a powerful tool to pave ways for the victims' fight for justice. This was the topic of a side event organized by Liechtenstein and the European Center for Constitutional and Human Rights (ECCHR), entitled *Justice for Syria: Universal Jurisdiction as a main emerging tool to complement the International Criminal Court*.

Ukraine

On 10 December, the International Renaissance Foundation organized a discussion on *Ratification of the Rome Statute as an important step to combating impunity for grave crimes in Ukraine* at which participants argued that Ukraine's ratification of the Rome Statute would bolster the PE process in Ukraine, and send a message to victims that work is being done in the pursuit of justice.

Côte d'Ivoire

On 7 December, *The Gbagbo-Blé Goudé and Jean-Pierre Bemba trials: crossviews and possible impacts on Côte d'Ivoire, the DRC and the RCA*, was hosted by the Ivorian Observatory for Human Rights (OIDH) and the Institute for Security Studies (ISS). Panelists addressed the common perspectives and regional political implications of the two cases, as well as their potential impact on the political standing of the Court and on victims' reparations. Particularly in the case of Côte d'Ivoire, while Allan Ngari of ISS expressed concern regarding whether the TFV could deliver reparative justice, Ali Ouattara of the Ivorian coalition described the work of individual and community-based reparations programs administered by the national government. However, there remains a lack of a full national legal framework determining the status of victims of violence and their access to reparations, and future work should be dedicated to preventing divisions between victims.

Venezuela

On 7 December, Venezuela and Red de Apoyo por la Justicia y la Paz convened a side-event called *Memoria de la violencia política en Venezuela...nos faltan 142* to present their report on victims of political violence in Venezuela at the hands of police and military forces. Amb. Eduardo Rodríguez of Bolivia moderated a panel with Ms. Ana Barros and Professors Soraya Alascar and Oscar Ernesto Vásquez of the Red de Apoyo por la Justicia y la Paz and Amb. Haifa El Aissami of Venezuela. They voiced their support for victims, and for investigations and memory initiatives on their behalf.



Mali

Avocats sans frontières Canada (ASF) hosted a side-event titled, *Réconciliation et lutte contre l'impunité au Mali: un faux dilemme* on 5 December. Addressing transitional justice in Mali through a discussion of recourse for victims and the Truth, Justice, and Reconciliation Commission formed following the 2012-2013 crisis, speakers Doucoure Abdoulaye from ASF and Bintou Bouare Samake from the Malian Coalition for the ICC discussed necessary protections for victims against reprisals and the cooperation between various justice initiatives and further affirmed that justice and peace are inseparable processes.

Colombia

The CMDPDH and FIDH co-hosted *Drug-trafficking, Public Policy and Crimes Against Humanity- Discussing the situations in Mexico, the Philippines and Colombia* on 7 December. Using these three cases, speakers discussed public policy solutions that could address the problem of drug trafficking fueling militarization

and atrocities. On 11 December, ASF Canada, the Comisión Colombiana de Juristas, and HUMANAS hosted, *Colombia, context and current challenges: towards another interim report on the Preliminary Examination?* which discussed transitional justice in the Colombian peace process. Speakers noted the gaps remaining in the pursuit of justice, issues pertaining to amnesties, providing redress for victims abroad, and a lack of domestic complementarity.

Nigeria

On 11 December, Amnesty International convened an event on the relationship between Nigeria and the ICC entitled *Nigeria and the ICC: Addressing (Non)-Accountability*. Speakers discussed the presence of Boko Haram in Nigeria, the ICC's preliminary investigation, opened in 2010, and post-election violence. Amnesty also launched their report on the preliminary examination and lack of domestic accountability for Rome Statute crimes in Nigeria, which included recommendations to the OTP to proceed towards a full investigation in Nigeria to bring perpetrators of Rome Statute crimes to justice, and stressed the need for more political will to meet the demands of civil society.

Democratic Republic of Congo

La Complémentarité en pratique: La Jurisprudence Congolaise relative aux crimes internationaux was organized by Club des Amis de Droit de Congo (CAD) and Senegal on 7 December, which focused on challenges to and triumphs of complementarity in Congolese jurisprudence. One particular issue noted by participants was the immunity enjoyed by parliamentarians. Panelists recommended, however, that this should not deter national courts from prosecuting accused members of parliament.

The Ivorian Observatory for Human Rights (OIDH) and the ISS co-hosted *The Gbagbo-Blé Goudé and Jean-Pierre Bemba trials: crossviews and possible impacts on Côte d'Ivoire, the DRC and the RCA*. Mr. Pascal Kambale of the Open Society Initiative - West Africa described the Bemba case as the first case concerning the DRC, where the credibility of the Court was directly questioned and interpretations of Western bias became more widespread.

Mexico

On 7 December, CMDPDH and FIDH co-hosted *Drug-trafficking, Public Policy and Crimes Against Humanity- Discussing the situations in Mexico, the Philippines and Colombia*. Ms. Olga Guzmán of CMDPDH noted that drug-related violence and impunity in Mexico can come from both trafficking and from extrajudicial killings by law enforcement, which can amount to crimes against humanity. Ms. Jimena Reyes of the International Federation for Human Rights (FIDH) recommended that the new government recognize that there were crimes against humanity and refer the case to the ICC.



From Impunity to Accountability? A New Transitional Justice Policy for Mexico was co-hosted on 8 December by Centro Diocesano de Derechos Humanos "Fray Juan de Larios", CMDPDH, Familias Unidas en la Búsqueda y Localización de Personas Desaparecidas - Piedras Negras/Coahuila, Fundación para la Justicia y el Estado Democrático de Derecho, I(dh)eas - Litigio Estratégico en Derechos Humanos, Instituto Mexicano de

Derechos Humanos y Democracia, and OSJI. This event discussed the gap between access to legal resources and levels of accountability in this transitional justice initiative. Regarding amnesties, former UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Pablo de Greiff drew a distinction between amnesties for international crimes and amnesties for non-international crimes. He declared that “there can be no amnesties for what can be characterized as crimes against humanity, or...international crimes.”

The Gambia

On 6 December, Canada, the Netherlands and Justice Rapid Response (JRR) co-hosted *Investigating and Prosecuting International Crimes at the National Level: Realizing the Promise of Complementarity in the Gambia & the Case for Specialized Expertise*. Ms. Nina Suomalainen of JRR spoke on the partnership between the Gambia and JRR in their work towards supplementing domestic investigation and prosecution efforts. Gambian Attorney General and Minister of Justice, Mr. Abubacarr M. Tambadou, discussed constitutional reform, amnesty and reparations, specifically the importance of maintaining information flows between victims and local authorities.

On 7 December, Australia, the Netherlands, Norway, the United Kingdom and Africa Legal Aid (AFLA) co-hosted *Complementarity in Action: Bringing Yahya Jammeh to Justice in Ghana*, which discussed challenges related to the delivery of justice in The Gambia, including efforts to prosecute former Gambian president Yahya Jammeh in Ghanaian courts. The event also addressed the impact of the ‘Jammeh2Justice’ campaign and victims’ activism following the killing of opposition activist Solo Sandeng.

Central African Republic

On 6 December, FIDH hosted, *From Bemba to Rombhot: Reflections & Perspectives for the ICC in the Central African Republic*. One key topic of conversation was the impact of acquittals on victims and their expectations. In these cases, speakers noted that victims cannot receive reparations without a guilty verdict, which means that charges need to be more specific and Court decisions more detailed to reassure the public and maintain the trust of victims. Several speakers noted the need for creative solutions to ensure the recognition of victims in cases of acquittal.

During the 7 December event, *The Gbagbo-Blé Goudé and Jean-Pierre Bemba trials: crossviews and possible impacts on Côte d’Ivoire, the DRC and the RCA*, Mr. Bruno Gbiegba of the CAR coalition for the ICC discussed so called “contradictory decisions” of the Court, which include acquittals, and the impact on victims in the context of CAR. Moderator Mr. Eric-Aimé Semien of the ODH suggested that “a criminal court only holds its credibility in relation to the consistency of its jurisprudence.”

Preliminary Examinations

The Preliminary Examinations into the situations in Afghanistan and Myanmar were discussed at an event organized by the American Bar Association and FIDH on 6 December. The event *Challenges and Prospects on the ICC’s Horizon: Afghanistan, Myanmar and More*, considered the trajectory of US – ICC relations, to which Stephen J. Rapp, former U.S. ambassador-at-large for war crimes underscored the need for the US to work with other countries to respect the rule of law.



Challenges and progress in Preliminary Examinations was co-hosted by Norway, the Center for International Law research and Policy (CILRAP), HRW, and Leiden University on 7 December. The discussion centered on the role of preliminary examinations (PEs) within the Rome Statute system as a foundation to the future of judicial work. Given that PEs are often associated with higher risks than fact finding, capacity and trust building between lawyers and NGOs in affected regions is crucial. Speakers underscored that in order to reduce the risks victims face, the imperative for a speedy and efficient PEs is necessary, despite the lack of clarity in the phase-based approach and general under-referencing of PEs in the Rome Statute.

On 8 December, the Institute for Environmental Security organized, *The 2016 ICC OTP Policy Paper: What it means to environmentalists worldwide*, which considered if ecocide or other climate crimes could be considered under the ICC's jurisdiction. This event made the connection between environmental destruction and the human right to life and identified various obstacles to accountability for environmental crimes. Most notably, their transboundary nature makes them difficult to investigate under the Rome Statute, as do the lack of clear prosecutable evidence that a state is directly attacking civilians and the timing issues that arise in ex post-facto criminal law.

On 11 December ASF Canada, the Comisión Colombiana de Juristas, and HUMANAS convened *Colombia, context and current challenges: towards another interim report on the Preliminary Examination?* Speakers addressed complementarity in Colombia and the importance of the Preliminary Examination in setting parameters for how justice should be pursued.

Rome Statute Crimes

On 6 December, Liechtenstein organized a side event entitled, *The ICC's Jurisdiction over the Crime of Aggression*, during which the Dominican Republic, the Central African Republic, Guinea-Bissau and Italy provided updates on efforts to ratify the amendment on the crime of aggression. Speakers discussed how the ability to prosecute crimes of aggression can be a tool for the UN Security Council, and more generally, a step in the right direction towards upholding the rule of law.

The CMDPDH and FIDH's event on December 7, *Drug-trafficking, Public Policy and Crimes Against Humanity*, discussed how the violence committed by traffickers or by security forces under the guise of combating drug trafficking in Colombia and Mexico could be considered a crime against humanity.

Switzerland and the Oxford Institute for Ethics, Law and Armed Conflict convened a side-event on 10 December, *Towards accountability for the war crime of starvation in internal armed conflict*, in which participants discussed how the Rome Statute could better protect victims of starvation in non-international armed conflicts. Increases to the number of armed conflicts drive displacement and food insecurity, yet in the Rome Statute's article on war crimes, the intentional starvation of civilians is a war crime for international armed conflicts, but not for those of a non-international nature. This prompted reflection more broadly on the implications of differentiating international armed conflicts and non-international armed conflicts in the Rome Statute.

Sexual and gender-based crimes

On 5 December, Canada and FIDH co-hosted a side-event on *Investigating and Prosecuting for Sexual and Gender Based Crimes at the ICC and Beyond*, in which FIDH presented a report on interviews with practitioners in the field, identifying gaps in programs that should be addressed.

Complementarity

Canada, the Netherlands and JRR's 6 December event on *Investigating International Crimes at the National Level: Realizing the Promise of Complementarity in the Gambia & the Case for Specialized Expertise* emphasized the importance of complementarity in periods of transitional justice. Gambian Attorney General, Abubacarr M. Tambadou highlighted the need for constitutional reform and reformulation of the criminal code in order to address mass violations and limitations to rights that occurred under the Jammeh administration. Mr. Amady Ba, the Head of International Cooperation of the OTP encouraged cooperation through capacity-building at the level of the ASP and the OTP.

La Complémentarité en pratique: La Jurisprudence Congolaise relative aux crimes internationaux was convened by the CAD-DRC and Senegal on 7 December. The event presented a study of Congolese jurisprudence and how it works to uphold the Rome Statute. Later in the day, Australia, The Netherlands, Norway, the United Kingdom and Africa Legal Aid co-hosted *Complementarity in Action: Bringing Yahya Jammeh to Justice in Ghana*. This event discussed the possibility of prosecuting Jammeh in Ghana, citing Ghana's status as a State Party to the Rome Statute.



On 11 December, Luxembourg and the Open Society Justice Initiative addressed the subject of complementarity in their side-event, *Complementarity and Cooperation Revisited: What role for the ICC in supporting national and hybrid investigations and prosecutions?* Luxembourg Ambassador to The Netherlands, Amb. Jean-Marc Hoscheit noted that positive complementarity is one of the main strategy goals of the OTP, and Mr. Christian Ritscher of the German Federal Prosecutor's Office underlined the importance of concurrent jurisdiction and coordinating prosecution efforts among multiple States Parties to achieve this goal.

Later in the day, France, Senegal, and the International Criminal Court Bar Association (ICCBA) convened a side-event on *The role of ICCBA in supporting and enhancing complementarity*. The speakers agreed that complementarity is a fundamental element in the Rome Statute and a way to keep "justice close to the victims," as stated by Mr. Karim Khan of the UN Investigative Team for ISIL. Participants discussed States' requests for cooperation, and Judge Chang-Ho suggested that in spite of the broadness of the Rome Statute and states' difficulties in fully implementing it, that a step forward could be allowing a national judge to sit on an ICC judicial panel to impart a sense of a hybrid court.

Lessons learned in international justice

On 5 December, Australia, Liechtenstein, Romania, the International Bar Association (IBA) and the International Centre for Transitional Justice (ICTJ) co-hosted an event on *Lessons learned, fairness and access to justice in hybrid tribunals and specialized chambers*. The event focused on the presentation of two reports on international accountability mechanisms and the logistics of creating hybrid tribunals and specialized chambers, prosecutorial strategies and policies, and protection and resources for victims. They voiced their support for complementarity and the use of victims' counsels, as well as the untethering of reparations from convictions.

On 10 December, a side event addressing *Creative responses for International Criminal Justice in Africa*, hosted by Finland, Germany, Switzerland, The Netherlands, Nigeria and the Wayamo Foundation/Africa Group for Justice and Accountability (AGJA). With the goal of improving complementarity and capacity-building within a broader framework of democracy and rule of law, contributors underlined that efforts towards attaining justice in Africa going forward should address the need for national proceedings and the prosecution of more serious criminal offenses.

Germany and the International Nuremberg Principles Academy co-hosted a side-event to discuss Dr. Tallyn Gray's book "Islam and International Criminal law and Justice." The various interventions addressed misconceptions of a unified definition of Islamic law, as well as challenges regarding the reconciliation of varying forms of Islamic jurisprudence and universal participation in international law.

On 11 December, Civitas Maxima and the Center for Justice and Accountability co-hosted "*Closing the impunity gap: a pragmatic approach to universal jurisdiction*" where Mr. Alain Werner of Civitas Maxima, Mr. Karim Ahmad Khan of the UN Investigative Team for ISIL, and Ms. Carmen Cheung from the Center for Justice and Accountability discussed innovative investigative and prosecutorial tools in criminal and civil channels alike.

Cooperation

In 2011, the issue of non-cooperation in international justice had inspired several States Parties to start the Mutual Legal Assistance (MLA) Initiative, advocating for the creation of a specific treaty on mutual legal assistance. The progress of this Initiative was discussed on 5 December during the side event entitled, *The Initiative for a New Multilateral Treaty on Mutual Legal Assistance and Extradition Domestic Prosecution of the Most serious International Crimes*, co-hosted by Argentina, Belgium, Mongolia, the Netherlands, Senegal and Slovenia.

Co-hosted by Luxembourg and Open Society Justice Initiative, the side event *Complementarity and Cooperation Revisited: What role for the ICC in supporting national and hybrid investigations and prosecutions?* highlighted state parties' cooperation with the ICC as a sine qua non element of international justice.

Reparations and the Trust Fund for Victims

On 6 December, Ireland, Uganda and the Trust Fund for Victims (TFV) hosted a side event on *Supporting reparative justice for victims in the Rome Statute system: what States Parties can do (more)*. Mama Koité Doumbia from the TFV discussed the financial challenges of the TFV as they depend on fluctuating voluntary contributions.

Chile, Finland, Switzerland, Sweden, REDRESS, the Institute for Security Studies, and the TFV organized the side event *Realizing Victims' Right to Reparation at the International Criminal Court* on 11 December. REDRESS presented research conducted in February 2018, which concluded that the Court has been failing to fully implement a reparative process that is accessible, adequate, prompt and effective in at least three cases.

France revisited the "Paris Declaration on the Effectiveness of International Criminal Justice" in a side event entitled, *Déclaration de Paris sur l'efficacité de la justice pénale internationale* on December 11. Panelists put forward recommendations to enhance ICC's efficiency in this aim.

Rome Statute's 20th anniversary

The 17th session of the Assembly of State Parties commenced with a high-level event organized by the Ministry of Foreign Affairs of The Netherlands to commemorate the 20th anniversary of the Rome Statute.

On December 5, the Netherlands, Uganda, and AFLA co-hosted a discussion on *Commemorating the 20th anniversary of the Rome Statute*. This event also saw the launch of AFLA's Quarterly special edition of 2018, presented by Attorney General of Ireland, Seamus Woulfe.

On December 6, The Netherlands, the Republic of Korea, and Parliamentarians for Global Action (PGA) co-hosted *Challenges and opportunities for the Universality of the Rome Statute system: Strategies and Best Practices Tailored to the Asia-Pacific Region*. Panelists from the Republic of Korea, Vanuatu, Bangladesh, and Malaysia discussed their countries' current relationships with the ICC and suggested possible strategies to further promote ratification within the Asia-Pacific region.

On 8 December, the event organized by The Kenya Human Rights Commission and Kenyatta University, entitled, *20 years since the Rome Statute of the ICC – The Status of International Rule of Law and Access to International Justice in Africa* discussed the current realities of international justice in Africa. Panelists put forward lessons learned from the Kenyatta case, especially with regard to the lack of state cooperation. CICC Convenor William Pace recalled the importance of establishing more robust mechanisms in cases of non-cooperation.



On December 8, the CICC and Costa Rica convened a side event on *El rol de América Latina y el Caribe ante la Corte Penal Internacional: contribución y compromisos a los 20 años de la adopción del Estatuto*. Amongst the main points of discussion were the contributions of Latin American States Parties to the Rome Statute system, the importance of increased geographical representation, and the relevance of the Rome Statute in the Latin American region.

The Coalition for the ICC and Austria convened a side event entitled *Global Civil Society and European States: Advancing International Justice in the 20 years to come* on

10 December. This event served as a platform for EU state parties and civil society to exchange views on international justice.

Sexual Violence

On 10 December, Argentina, Australia, Canada, Costa Rica, New Zealand, the Republic of Korea, Sweden, Switzerland, the United Kingdom, and Women's Initiatives for Gender Justice (WIGJ) organized a side event on sexual violence. *Defining Sexual Violence: what makes violence 'sexual'?* featured the launch of WIGJ's "Gender Report Card on the ICC - 2018". Panelists discussed the legal characterization of sexual violence throughout history, and highlighted acts of sexual violence in North Korea and China.

On 10 December, the UK Foreign and Commonwealth Office, the Centre for International Law Research and Policy - Case Matrix Network, the Commission for International Justice and Accountability, and the Institute for International Criminal Investigations and REDRESS convened, *Documenting conflict and atrocity-related*

sexual violence crimes in CAR, Iraq, Myanmar and Sri Lanka: Country supplements to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

UNSC and ICC Cooperation

Has the UNSC's use of their veto power reflected political selectivity which has been hindering victims of grave crimes from access to justice? Two events were held in the ASP to specifically discuss the role of UNSC in cooperating with the ICC. On 7 December, *Cooperation with the ICC: What the ASP and UNSC must do* was co-hosted by Ireland and the Institute for Security Studies. On the same day, Liechtenstein, The Netherlands, and Costa Rica organized *Hard Law Obligations, Atrocity Crimes and the Veto* to further explore the complexities of the UNSC's use of the veto.

Victims' participation and representation

On 6 December, a side-event on *Victims' Participation in ICC Proceedings: Examining the Role of Counsel* was co-hosted by Chile, FIDH, Open Society Initiative for Eastern Africa, TrustAfrica and Victim's Support Initiative, which discussed insufficient resources for Council, as well as issues related to the modalities of victims' participation.

On 7 December, victims' participation took the center stage during the side event organized by Lawyers for Justice in Libya (LFJL) entitled *Victim's right to be heard: How to strengthen victim participation in the Arab World*. Moderated by Elham Saudi of LFJL, panelists addressed the reasons behind the low victim participation level and suggested that the victims' lack of knowledge about the ICC could be a contributing factor. Given the high number of Libyans who have left their home country, Paolina Massidda, Principal Counsel of the ICC's Office of the Public Counsel for Victims, highlighted the need of outreach efforts to not only reach local organizations in Libya, but also to the diaspora.



Another victim-focused event on 7 December was organized by the Institute for Justice and Reconciliation. The event, entitled *The case for survivor-centered justice: Policy issues and challenges* reflected on fundamental issues such as the different natures of justice and who exactly the term 'victim' refers to.

On 11 December, the United Kingdom and FIDH convened a discussion on *Victims at the Heart of Justice: Reflections on Victims' Participation at the ICC*. The Rome Statute grants victims the right to participate in any stage of the proceedings where they deem their interest is at stake. How has this right been granted in practice? This side event addressed issues related to victim participation, including the victims' lack of information about the participation process and the inability of victims to request for an appeal.

The Netherlands, Uganda, Avocats Sans Frontieres, Impunity Watch, and REDRESS hosted the final side event of ASP17 entitled, *Victim Participation in Transitional Justice Contexts*. This event brought the focus back to victims of atrocious crimes by exploring ways to improve victim participation before the ICC and national courts, with the situations in Uganda and Guatemala serving as case studies.

Exhibits, Installations, and Screenings

In addition to the panels and presentation events held in the margins of the ASP sessions, a number of artistic installations and film screenings were put on display throughout the week. On 5 December, the ICC Exhibit *Trauma, Healing and Hope* was launched, and the display of photographer Marcus Bleasdale's work in documenting the lives of survivors of mass crimes continued throughout the 17th ASP Session.

On 7 December, Chile and Norway presented a video documentary, *The Prosecutors* on the prosecution of sexual violence in Bosnia and Herzegovina, Colombia, and the Democratic Republic of Congo. On 8 December, the United Kingdom and Journalists for Justice co-hosted an event expanding on the ASP exhibition "Commemorating 20 years of the ICC in Africa" through a display of political cartoons, which was exhibited in the halls of the World Forum throughout the ASP. The panel included Ms. Elizabeth Evenson from Human Rights Watch, Cartoonist Godfrey Mwampembwa, and Kwamchetsi Makokha from Journalists For Justice. This side-event provided a forum for discussion of the ICC's place in public debate and the limits to the political rights of journalists around the world.

On 10 December, the Transitional Justice Coordination group – Afghanistan hosted a reception for the Memory Boxes exhibition, *Making Afghan victims' memories and stories matter*. Additionally, the International Nuremberg Principles Academy hosted a film screening of *"Peace Through Justice – The Legacy of Thomas Buergenthal"*.



Full schedule of side events during ASP17

Tuesday 4 December

- *High-level event to celebrate the 20th anniversary of the Rome Statute* (Organized by the Ministry of Foreign Affairs of The Netherlands)

Wednesday 5 December

- *Réconciliation et lutte contre l'impunité au Mali: un faux dilemme* (Hosted by Avocats sans frontières Canada)
- *The Initiative for a New Multilateral Treaty on Mutual Legal Assistance and Extradition for Domestic Prosecution of the Most Serious International Crimes* (Co-hosted by Argentina, Belgium, Mongolia, the Netherlands, Senegal and Slovenia)
- *Lessons learned, fairness and access to justice in hybrid tribunals and specialized chambers* (Co-hosted by Australia, Liechtenstein, Romania, International Bar Association (IBA) and International Centre for Transitional Justice (ICTJ))
- *Commemorating the 20th anniversary of the Rome Statute* (Co-hosted by The Netherlands, Uganda and Africa Legal Aid))
- *Investigating and Prosecuting for Sexual and Gender Based Crimes at the ICC and Beyond* (Co-hosted by Canada and the International Federation for Human Rights (FIDH))

Thursday 6 December

- *The ICC's Jurisdiction Over the Crime of Aggression* (Hosted by Liechtenstein)
- *CICC Meeting with ICC President*
- *Challenges and Prospects on the ICC's horizon: Afghanistan, Myanmar, and More* (Hosted by the American Bar Association and the International Federation for Human Rights (FIDH))
- *From Bemba to Rombhot: Reflections & Perspectives for the ICC in the Central African Republic* (Hosted by FIDH)
- *Supporting reparative justice for victims in the Rome Statute system: what States parties can do (more)* (Co-hosted by Ireland, Uganda and the Trust Fund for Victims (TFV))
- *Investigating International Crimes at the National Level: Realizing the Promise of Complementarity in the Gambia & the Case for Specialized Expertise* (Co-hosted by Canada, The Netherlands and the Justice Rapid Response (JRR))
- *Challenges and opportunities for the Universality of the Rome Statute system* (Co-hosted by The Netherlands and Parliamentarians for Global Action (PGA))
- *Victims' Participation in ICC Proceedings: Examining the Role of Counsel* (Co-hosted by Chile, FIDH, Open Society Initiative for Eastern Africa, Trust Africa and Victim's Support Initiative)
- *CICC Meeting with ICC Registrar*

Friday 7 December

- *Victim's right to be heard: How to strengthen victim participation in the Arab World* (Hosted by Lawyers for Justice in Libya)

- *Challenges and progress in Preliminary Examinations* (Co-hosted by Norway and Center for International Law research and Policy (CILRAP), Leiden University)
- *Cooperation with the ICC: What the ASP and UNSC must do* (Co-hosted by Ireland and Institute for Security Studies (ISS))
- *La Complémentarité en pratique: La Jurisprudence Congolaise relative aux crimes internationaux* (Hosted by Club des Amis de Droit-DRC and Senegal)
- *Drug-trafficking, Public Policy and Crimes Against Humanity- Discussing the situations in Mexico, the Philippines and Colombia* (Co-hosted by Comisión Mexicana de Defensa y Promoción de los Derechos Humanos and FIDH)
- *Presentation of a video documentary, "The prosecutors" – Film excerpt screening on prosecution of sexual violence in Bosnia and Herzegovina, Colombia, and the Democratic Republic of Congo* (Co-hosted by Chile and Norway)
- *Memory of Political Violence in Venezuela ... we are missing 142/Memoria de la violencia política en Venezuela...nos faltan 142* (Co-hosted by Venezuela and Red de Apoyo por la Justicia y la Paz)
- *Justice for Syria: Universal Jurisdiction as a main emerging tool to complement the International Criminal Court* (Co-hosted by Liechtenstein and European Center for Constitutional and Human Rights (ECCHR))
- *Complementarity in Action: Bringing Yahya Jammeh to Justice in Ghana* (Co-hosted by Australia, The Netherlands, Norway, the United Kingdom and Africa Legal Aid)
- *Listening to victims from Afghanistan – Views of Afghan society on the ICC and the peace process* (Co-hosted by the Transitional Justice Coordination Group – Afghanistan, Human Rights Watch and FIDH)
- *Hard Law Obligations, Atrocity Crimes and the Veto* (Co-hosted by Liechtenstein, The Netherlands and Costa Rica)
- *The Gbagbo-Blé Goudé and Jean-Pierre Bemba trials: crossviews and possible impacts on Côte d'Ivoire, the DRC and the RCA* (Co-hosted by the Ivorian Observatory for Human Rights and the Institute for Security Studies)
- *The case for survivor-centered justice: Policy issues and challenges* (Hosted by the Institute for Justice and Reconciliation)

Saturday 8 December

- *Prosecution of War Crimes in Iraqi Kurdistan: the ISIS case and the Saddam Hussein Case* (Hosted by the Kurdish national coalition for the ICC)
- *CICC Meeting with TFV Director & Board*
- *El rol de América Latina y el Caribe ante la Corte Penal Internacional: contribución y compromisos a los 20 años de la adopción del Estatuto* (Co-hosted by the Coalition for the International Criminal Court (CICC) and Costa Rica)
- *10 years After the War: Victims of the Georgia Situation* (Co-hosted by Georgia, The Netherlands, and Justice International)
- *From Impunity to Accountability? A New Transitional Justice Policy for Mexico* (Co-hosted by Centro Diocesano de Derechos Humanos "Fray Juan de Larios", Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Familias Unidas en la Búsqueda y Localización de Personas

Desaparecidas - Piedras Negras/Coahuila, Fundación para la Justicia y el Estado Democrático de Derecho, I(dh)eas - Litigio Estratégico en Derechos Humanos, Instituto Mexicano de Derechos Humanos y Democracia, and Open Society Justice Initiative)

- *Commemorating 20 years of the ICC in Africa through cartoons* (Co-hosted by the United Kingdom, and Journalists for Justice)
- *20 years since the Rome Statute of the ICC – The Status of International Rule of Law and Access to International Justice in Africa* (Co-hosted by Kenya Human Rights Commission and Kenyatta University)
- *The 2016 ICC OTP Policy Paper: What it means to environmentalists worldwide* (Hosted by the Institute for Environmental Security)

Monday 10 December

- *Prosecuting International Crimes Committed Against the Palestinian People* (Hosted by the International Association of Democratic Lawyers)
- *CICC Meeting with ICC Prosecutor*
- *Global Civil Society and European States: Advancing International Justice in the 20 years to come* (Co-hosted by Austria as Presidency of the Council of the European Union and Coalition for the International Criminal Court (CICC))
- *Defining sexual violence, what makes sexual violence ‘sexual’?* (Co-hosted by Australia, the United Kingdom and Women’s Initiatives for Gender Justice)
- *International Nuremberg Principles Academy: Islam and International Criminal law and Justice* (Co-hosted by Germany and International Nuremberg Principles Academy)
- *Towards accountability for the war crime of starvation in internal armed conflict* (Co-hosted by Switzerland and the Oxford Institute for Ethics, Law and Armed Conflict)
- *Launch of the ICC Office of the Prosecutor’s report on Preliminary Examination Activities 2018* (Co-hosted by Bulgaria, Niger, Norway, Senegal, Slovenia, Tunisia, Uruguay, and the ICC Office of the Prosecutor (OTP))
- *CICC Meeting with ASP President*
- *Justice, peace and security in Africa: deepening the role of the ICC* (Hosted by the Africa network of International Criminal Justice)
- *Ratification of the Rome Statute as an important step to combating impunity for grave crimes in Ukraine* (Hosted by International Renaissance Foundation)
- *Memory boxes exhibition: Making Afghan victims’ memories and stories matter – Reception* (Hosted by the Transitional Justice Coordination Group – Afghanistan)
- *Creative responses for International Criminal Justice in Africa* (Co-hosted by Finland, Germany, Switzerland, The Netherlands, Nigeria and Wayamo Foundation/Africa Group for Justice and Accountability (AGJA))
- *Film screening: Peace Through Justice – The Legacy of Thomas Buergenthal* (Hosted by International Nuremberg Principles Academy)

Tuesday 11 December

- *Colombia, context and current challenges: towards another interim report on the Preliminary Examination?* (Co-hosted by ASF Canada, Comisión Colombiana de Juristas, HUMANAS)
- *Documenting conflict and atrocity-related sexual violence crimes in CAR, Iraq, Myanmar and Sri Lanka: Country supplements to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* (Co-hosted by the UK Foreign and Commonwealth Office, the Centre for International Law Research and Policy - Case Matrix Network, the Commission for International Justice and Accountability, the Institute for International Criminal Investigations and REDRESS)
- *Nigeria and the ICC: Addressing (Non)-Accountability* (Hosted by Amnesty International)
- *Realizing Victims' Right to Reparation at the International Criminal Court* (Co-hosted by Chile, Finland, Switzerland, Sweden, REDRESS, the Institute for Security Studies and Trust Fund for Victims (TFV))
- *Victims at the Heart of Justice: Reflections on Victims' Participation at the ICC* (Co-hosted by the United Kingdom and FIDH)
- *Complementarity and Cooperation Revisited: What role for the ICC in supporting national and hybrid investigations and prosecutions?* (Co-hosted by Luxembourg and Open Society Justice Initiative)
- *Déclaration de Paris sur l'efficacité de la justice pénale internationale* (Hosted by France)
- *The role of ICCBA in supporting and enhancing complementarity* (Co-hosted by France, Senegal and the International Criminal Court Bar Association (ICCBA))
- *Closing the impunity gap: a pragmatic approach to universal jurisdiction* (Co-hosted by Civitas Maxima and the Center for Justice and Accountability)

Wednesday 12 December

- *Victim Participation in the Transitional Justice Contexts* (Co-hosted by The Netherlands, Avocats Sans Frontières, Impunity Watch and REDRESS)

Annex: ASP17 Highlights and Key Developments

Reference guide to the key highlights from the 17th Session of the Assembly of States Parties

MAIN GENERAL DEBATE TOPICS:

- High-level political commitment to the ICC and Rome Statute;
- The need to safeguard the integrity of the Rome Statute, including cornerstone principles on the irrelevance of head-of-state authority;
- Commitment to strengthen the ICC's judicial and prosecutorial independence;
- A fair and transparent selection process for the next Prosecutor of the ICC;
- The need for universality of the Rome Statute, as well as for its full implementation into domestic jurisdictions;
- Commitment to enhanced cooperation, including thorough efforts to conclude cooperation agreements with the ICC and to ratify the Agreement on Privileges and Immunities of the ICC;
- Financial commitment to the Rome Statute system, including the ICC budget and voluntary funds;
- The centrality of victims' participation and reparations in the Rome Statute system; and
- Recognition of the Rome Statute system's integral role in conflict prevention and sustainable peacebuilding.

ELECTIONS:

Board of Directors of the Trust Fund for Victims:

At the 17th ASP session, states elected five members of the Board of Directors of the Trust Fund for Victims.

At the closure of the nomination period on 25 September 2018, States Parties had nominated the following candidates for election to the Board of Directors of the Fund:

- BELAL, Sheikh Mohammed (Bangladesh)
- HELIĆ, Arminka (United Kingdom) – incumbent member
- KOITE DOUMBIA, Mama (Mali) – incumbent member
- LORDKIPANIDZE, Gocha (Georgia)
- MICHELINI, Felipe (Uruguay) – incumbent member

As the number of candidates was equal to the number of vacant seats, the candidates have been elected by acclamations without objections by the Assembly.

Members of the Advisory Committee on Nominations

At the 17th ASP session, states also elected 8 members of the Advisory Committee on Nominations (ACN).

At the closure of the nomination period on 9 October 2018, and in keeping with the limitation of 3 for the number of extensions of the nomination period, States Parties had only nominated 8 candidates for election to the Advisory Committee on Nominations:

- BARRAK, Ahmad (State of Palestine)
- BÎRSAN, Corneliu (Romania)
- COTTE, Bruno (France) – incumbent member

- FULFORD, Adrian (United Kingdom) – incumbent member
- KAMBUNI, Lucy Muthoni (Kenya)
- MONAGENG, Sanji Mmasenono (Botswana)
- STEINER, Sylvia Helena De Figueiredo (Brazil)
- VELTZÉ, Enrique Eduardo Rodríguez (Bolivia)

Election of an ASP Bureau Member

At the conclusion of the 17th ASP session, the State of Palestine stepped down as a member of the Bureau for one year, as per the following seat-sharing arrangement agreed among Bangladesh, Japan, and the State of Palestine:

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

Following the recommendation of the Bureau, Bangladesh was elected member of the Bureau for the 18th ASP session.

COOPERATION:

The 17th session of the ASP acknowledged the importance of Cooperation in the Rome Statute System with a special plenary discussion on the subject outlining the challenges and opportunities ahead.

The **first** segment of the plenary considered the issue of financial investigations and provided a follow up to the commitments made in the Paris Declaration on Assets Recovery. The segment's open debate meanwhile included a joint statement on behalf of 11 NGOs lamenting the Assembly's failures to adequately respond to past instances of non-cooperation. The **final** segment of the plenary session focused on Voluntary Agreements, allowing for an opportunity to monitor the progresses made in relation to the priorities identified in 2017. The plenary session on cooperation concluded with the **signing of an agreement on the execution of sentences by Slovenia**. At the conclusion of the 17th ASP session, States Parties reaffirmed the importance of financial investigations through language in both the cooperation and omnibus resolutions and mandates.

AMENDMENTS:

At the 17th session, following the recommendation in the Report of the Working Group on Amendments, the ASP adopted the *Resolution on amendments to rule 26 of the Rules of Procedure and Evidence*.⁸ The amended text expands to include the receipt and admissibility of complaints, and explicitly outlines the role of the IOM in this process.

⁸ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/RES-2-ENG.pdf

BUDGET:

Proposed budget for 2019: **€147.55 million**, an increase of 2.6% over the budget allocated for 2018.

CBF recommendation: **€144.87 million**, with total reductions in the amount of **€2.68 million**, translating to a .06% growth in relation to the 2018 approved budget.

APPROVED 2019 Budget: **€144,550,000** (NOT including host state loan of €3,585,100).

Remuneration of ICC Judges

At the 17th session, the Assembly adopted a resolution⁹ which took note of the report of the WG on the revision of judges' remuneration, and extended its mandate for another year. The resolution also requested the Registry to commission an expert study of the judges' remuneration, and to consider the possible terms of reference for such a review mechanism.

VICTIMS:

On 11 December 2018, State Parties, the Court, members of civil society and practitioners discussed the achievements and challenges of victims' participation and representation during a special plenary session.

OMNIBUS:

Key themes and updates:

- Threats to the integrity of the Court
- Relationship with the UN
- Universality
- 20th Anniversary
- Crime of aggression
- Review of working methods
- Geographic balance of staff
- Victims and affected communities

⁹ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/RES-1-ENG.pdf

SIDE EVENTS:

Main focus countries/thematic issues:

- Afghanistan
- Georgia
- Iraq
- Palestine
- Philippines
- Syria
- Ukraine
- Cote d'Ivoire
- Venezuela
- Mali
- Colombia
- Nigeria
- DRC
- Mexico
- The Gambia
- CAR
- Preliminary Examinations
- Rome Statute Crimes
- SGBC
- Complementarity
- Lessons learned in IJ
- Cooperation
- Reparations and the TFV
- RS20
- Sexual Violence
- UNSC/ICC cooperation
- Victims' participation and representation

RS20:

Special session on Rome Statute 20th Anniversary - 7 December 2018

The session opened with the projection of a short video put together at the initiatives of the *ad country* co-focal points for Cooperation, France and Senegal, entitled "With the ICC, I fight against impunity"¹⁰.

The Special Plenary session was moderated by **ASP Vice-President H.E. Mr. Michal Mlynár (Slovakia)**. In his opening remarks, he recalled the establishment of the International Criminal Court as a milestone in the fight against the most heinous crimes. Serving as keynote speaker, **ICC Prosecutor Fatou Bensouda** praised the involvement of stakeholders at all levels in the celebrations connected to the 20th Anniversary of the Rome Statute, as a means of creating awareness and understanding about the ICC, and further condemned the increasing attacks towards the Court and ICJ in general. During his presentation, **CICC Convenor Mr. William Pace** used the occasion of RS20 to stress the danger entailed in the increasing threats and challenges that the Court is facing. After recalling the Rome negotiations, Mr. Pace outlined how the ICC remains the most important instrument for the prosecution of grave international crimes, and reaffirmed the role of the CICC in supporting the Court and striving for its improvement.

PROSECUTOR SELECTION:

At its final meeting of 2018, the Bureau formally decided¹¹ to establish a Prosecutor Selection Committee. Discussions on the need, purpose and type and composition of such a body would be taken up by the Bureau in early 2019, with an aim to have the group start its work as soon as possible, while taking into consideration discussions with each regional group and civil society.

¹⁰ <https://www.youtube.com/watch?v=GU0uMt8VLeg>

¹¹ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-2018-Bureau-22.pdf

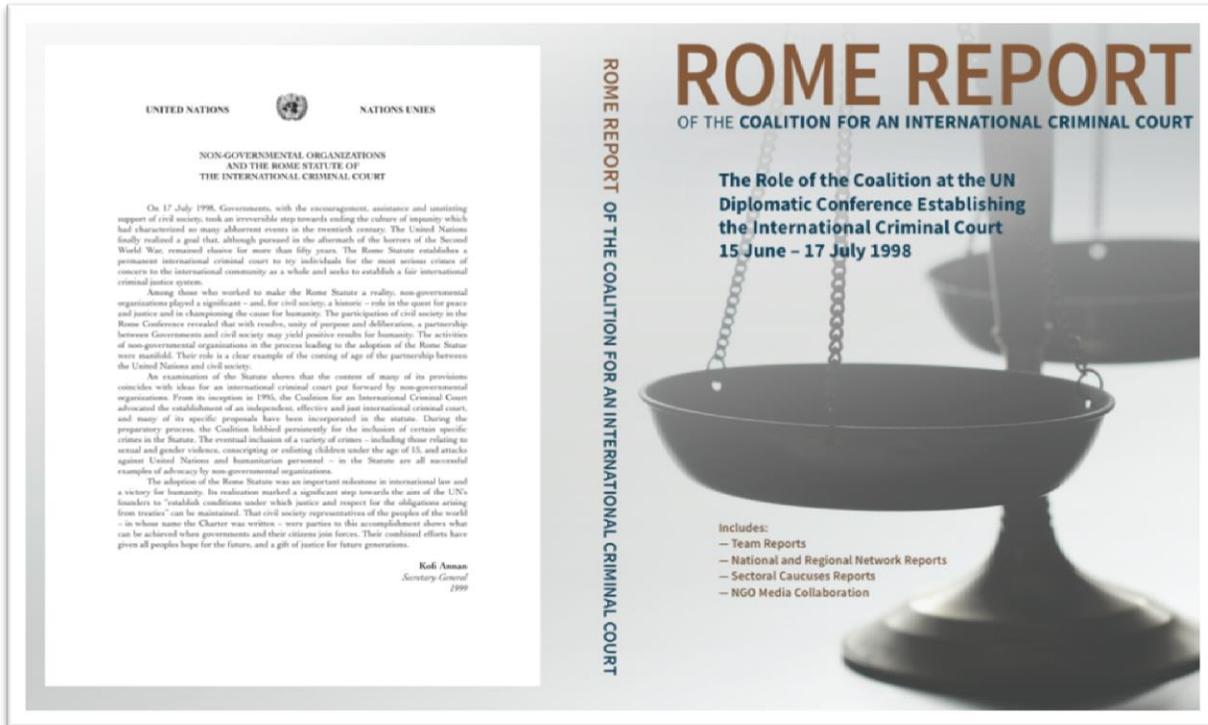
IOM:

Review of the IOM's mandate

The Hague Working Group held four consultations in 2018 on the review of the work and the operational mandate of the IOM. During the facilitations, the issue of identifying the purpose, methodology, and scope of the review was discussed, taking into account the weaknesses of the existing operational mandate. At its seventeenth session, the Assembly adopted a Resolution on amendments to rule 26 of the Rules of Procedure and Evidence. The amended text is expanded to include the receipt and admissibility of complaints, and explicitly outlines the role of the IOM in this process.

ROME REPORT:

In his General Debate statement, CICC Convenor William Pace announced the publication of the “Rome Report of the Coalition for an International Criminal Court: The Role of the Coalition at the UN Diplomatic Conference Establishing the International Criminal Court, 15 June – 17 July 1998.” The Rome Report provides an unparalleled view into the contributions of NGOs and the Coalition to the drafting of the Rome Statute and establishment of the ICC.





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