



**REVIEW CONFERENCE TEAM**  
**COALITION FOR THE INTERNATIONAL CRIMINAL COURT (CICC)**  
**COMMENTS AND RECOMMENDATIONS<sup>1</sup>**  
**TO THE EIGHTH SESSION OF THE ASSEMBLY OF STATES PARTIES**  
**18 - 26 NOVEMBER 2009, THE HAGUE**

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The CICC Team on Review Conference views the Review Conference as an opportunity to discuss and work towards the adoption of broadly-supported amendments to the Statute, as well as to reflect on the progress made in the application of the Rome Statute performance to date of the system of international justice as established by the Rome Statute and by evaluating the effectiveness of States Parties, other States, International Organizations and, as appropriate, other actors in implementing their obligations or commitments *vis-à-vis* the Statute and find solutions to improve the system and analysing the effectiveness and work of the Court and its impact.

Accordingly, the Team welcomes the Assembly's recognition of the Review Conference as a platform through which to take stock of the current state of international criminal justice.<sup>2</sup> The Team views stocktaking, or progress on the application of the Statute, as an essential component of the Conference as it is the means through which reflection on the performance to date of the system as established by the *Rome Statute* can take place, as well as a platform for the reaffirmation of the fundamental legal principles and norms underpinning the fight against impunity. , such as the obligation of States to cooperate fully with the Court and to exercise their primary jurisdiction on international crimes in accordance with the general principles of international criminal law contained in Part III of the Rome Statute.

In this regard, the Team recalls its recommendations on the stocktaking process at the Review Conference whereby the Team recommends that States Parties place on the agenda for the Review Conference stocktaking the following issues:

- Impact of international criminal justice on affected communities;
- State cooperation with the ICC;
- Complementarity, universality of the Rome Statute and the impunity gap; and
- Impact of international criminal justice on peace processes and peace building;

Furthermore, the Team recommends that efforts be made to ensure that stocktaking is not seen as secondary to amendments, but rather an equally important component of the Review Conference. **Accordingly, the Team suggests that the Review Conference run two substantive tracks; one being amendments and the other being a process of stocktaking, both with formal meetings and aiming at concrete decisions by the Conference.** Furthermore, plenary sessions should be devoted to both stocktaking and amendments to ensure that all state representatives can participate.

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<sup>1</sup>While the work of the Review Conference Team reflects the positions of those Coalition members most active on particular issues and this paper has been prepared in consultation with other Coalition teams, this paper cannot be construed to represent the views of all organizations/members of the CICC.

<sup>2</sup> ICC-ASP/6/Res.2, [Strengthening the International Criminal Court and the Assembly of States Parties](#), 14 December 2007, paragraph 54.

Also, the Team recognises the importance of a **high level segment (General Debate)**, distinct from stocktaking, and strongly supports the content of this debate to form part of the official proceedings.

### **Inter-sessional preparations for the Review Conference**

The effectiveness of the Review Conference relies heavily on adequate and timely preparations by both the Assembly of States Parties and individual states. With only a few months to prepare for the Conference, there is a pressing need for states to identify the main issues upon which to reflect and to define ways in which those issues can best be considered. The success of stocktaking depends on the preparations made prior to the Review Conference at ASP meetings and intersessionally.

**For these reasons, the Team urges the Assembly to set up a follow-up structure in the form of an inter-sessional mechanism mandated to deal with all issues concerning the Review Conference arising between the Assembly's session in November 2009 and the Review Conference in May 2010.**

**Given the heavy work burden this would require, therefore, the Team recommends that the Assembly mandate the relevant Bureau facilitators to assess -in coordination with the proposed inter-sessional mechanism- ways in which the issues identified for the stocktaking exercise could be considered at the Review Conference as well as possible achievable objectives, ie. by creating a small task force or drafting committee to explore and identify the clusters of topics and relevant options for outcomes of the Review Conference**