

Action Plan for expediting the criminal process of the International Criminal Court

1. The Court has now been in existence for over ten years. During this time a significant amount of experience has been collected relating to the conduct of proceedings. The Court has produced two reports on Lessons Learned.¹ In the first report a range of issues were identified. The eleventh Assembly of States Parties (ASP) endorsed a Roadmap aimed at expediting the Criminal process of the Court.
2. Under the broad heading of 'governance', the Study Group on Governance (SGG) aims to facilitate an ongoing and constructive dialogue with the organs of the Court to increase the Court's efficiency and expedite its proceedings. Apart from facilitating consultations on amendments to the Rules of Procedure and Evidence (RPE), the proximity of the SGG to the Court in The Hague allows it to engage in a variety of ways with the Court. In doing so, the SGG works in close cooperation with States and other partners, including other international criminal courts and tribunals, experts and NGOs.
3. The Study Group on Governance has, for the twelfth session of the Assembly, submitted proposals for amendments to the RPE, as well as proposals aimed at improving the Roadmap. The SGG has established an excellent working relationship with the Court in this area. The active participation of the Court in the process of expediting the criminal process has proven to be indispensable.
4. Although important progress has been made, States Parties believe that work to expedite the criminal process of the court needs to be accelerated. It is therefore proposed that the ASP decides:
 - a. that the Court further analyse issues under the "Pre-Trial and Trial relationship and common issues" cluster. Special attention should be given, in particular, to the issues of disclosure, additional evidence for trial, presentation of evidence and record of proceedings. Other issues under that cluster could also be addressed. The analysis should seek to identify the most important bottlenecks in these areas. This Court should propose measures to deal with these bottlenecks. Such proposed measures could include amendments to the RPE. Also other measures should, however, be considered as appropriate. The Court should present their proposed course of action early in 2014, with a view to presenting them to the SGG by summer 2014. The annual report, which would include the outcome of the presentation, should be provided in good time before the 13th session of the ASP.

¹ ICC-ASP/11/31/Add.1, annex and ICC-ASP/12/37/Add.1

- b. to welcome the intention of the Court to look further into the "Language Issues" cluster and make proposals including, but not limited to, amendments to the RPE. Such proposals should be processed in accordance with the revised Road Map.
- 5. In its work the SGG could, where appropriate, take note of the relevant work by external stakeholders directed at improving the efficiency of the Court. The SGG might, on its own initiative, and in close cooperation with the Court, carry out further analysis based on such work.
- 6. The SGG should at the next session of the Assembly present concrete proposals for decisions to be taken by the ASP in all the above areas.