

## Resolution ICC-ASP/10/Res.3

Adopted at the 7<sup>th</sup> plenary meeting, on 20 December 2011, by consensus

### ICC-ASP/10/Res.3 Reparations

*The Assembly of States Parties,*

*Recalling* article 75, paragraph 1, and article 112, paragraph 2 (g), of the Rome Statute,

*Mindful* that reparations to the victims of the most serious international crimes are critical components of the Rome Statute and that it is therefore essential that the relevant provisions of the Rome Statute are efficiently and effectively implemented,

*Noting* with concern that the Court has not yet established principles relating to reparations, on which any determination of the extent and scope of any damage, loss and injury to, or in respect of, victims is to be based, in accordance with article 75, paragraph 1, and that in the absence of such principles pre-established by the Court practical inconsistency and unequal treatment of victims may occur,

*Recognizing* that, under article 75, paragraph 2, a reparations order may be made directly against a convicted person while the award for reparations may be made through the Trust Fund for Victims,

*Acknowledging* that the full panel of the Trial Chamber is expected to handle reparations pursuant to article 39, paragraph 2 (b),

*Concluding* that guidance and clarification from States Parties is essential in order to ensure the effective and efficient implementation of the reparations provisions,

1. *Requests* the Court to ensure that Court-wide coherent principles relating to reparations shall be established in accordance with article 75, paragraph 1, based on which the Court may issue individual orders for reparations, and further *requests* the Court to report back to the Assembly at its eleventh session;
  2. *Stresses* that as liability for reparations is exclusively based on the individual criminal responsibility of a convicted person, under no circumstances shall States be ordered to utilize their properties and assets, including the assessed contributions of States Parties, for funding reparations awards, including in situations where an individual holds, or has held, any official position;
  3. *Underlines* that as the freezing and identification of any assets of the convicted person, which are indispensable for reparations, is of paramount importance the Court should seek to take all measures to that end, including effective communication with relevant States so that they are in a position to provide timely and effective assistance pursuant to article 93, paragraph 1 (k), where possible, in all cases and at as early a stage of the proceedings as possible, irrespective of the declaration of indigence for the purpose of legal aid which bears no relevance to the ability of the accused to provide reparations;
  4. *Recognizes* that as adjudication on the individual criminal responsibility shall remain the focus of the judicial mandate of the Court, evidence concerning reparations may be taken during trial hearings so as to ensure that the judicial phase of reparations is streamlined and does not result in any delay thereof;
  5. *Invites* the Bureau to report to the Assembly at the next session on reparations and any appropriate measures.
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