

THE HAGUE WORKING GROUP OF THE BUREAU

COOPERATION

Recommendations on States' cooperation with the International Criminal Court (ICC): Experiences and Priorities

In 2007, the Assembly of States Parties to the Rome Statute (ASP) adopted a document that contains a comprehensive list of 66 recommendations on cooperation. These recommendations identify key areas of priority and challenges regarding cooperation, and give guidance and suggest possible remedies for overcoming challenges. In 2015, seven key areas requiring attention have been identified (see doc ICC-ASP/14/26/Rev 1).

The following questionnaire focusses on these seven key areas, as mentioned in the flyer that was distributed in 2015. States Parties are invited to examine the questionnaire below and to submit their replies if possible by 17 July 2016 to asp@icc-cpi.int.

QUESTIONNAIRE¹

A. Enacting the legal mechanisms set in the Rome Statute and setting up effective procedures and structures regarding cooperation and judicial assistance.

1. Has your Government considered designating national focal points for ICC matters?
2. Has your Government considered adopting simplified and/or centralized national procedures as useful practices for effective cooperation? If so, could you please give (an) example(s)?

B. Cooperation in support of preliminary examinations, investigations, prosecutions and judicial proceedings (including with the Defence).

3. Has your Government encountered obstacles in the cooperation with the ICC's investigations and prosecutions, in accordance with article 86 of the Rome Statute? If so, could you identify them? What avenues did you consider to find adequate solutions?

C. Arrest and surrender

4. Has your Government considered contributing where appropriate to generating political support and momentum for the timely arrest and/or surrender of ICC suspects?

¹ Prepared by the co-facilitators for Cooperation of The Hague Working Group, Ambassador Maymouna Diop Sy (Senegal) and Ambassador Paul Wilke (Netherlands).

5. Has your Government encountered obstacles in the execution of a request for arrest and surrender? Can you please elaborate, and explain when appropriate the avenues you considered to find adequate solutions.

6. Has your Government considered establishing guidelines or agreements with regard to the provision of logistical support? Would you be in a position to notify the Court of the terms and conditions applicable to such assistance?

D. Identification, seizing and freezing of assets

7. Has your Government actively assisted the Court in the identification, tracing, freezing or seizing of assets of ICC suspects or other relevant persons?
Did your Government encounter specific obstacles in cooperating with the Court in this area? If so, could you identify them? What avenues did you consider to find adequate solutions?

8. Has your Government identified effective legal and practical mechanisms for enhanced cooperation in this area between the Court and your State?

E. Voluntary cooperation

9. If your Government has not yet concluded a cooperation agreement with the ICC, for example on the enforcement of sentences, and/or receiving acquitted persons or suspects or accused on interim release, what obstacles, if any, have you encountered?

10. Has your Government cooperated with the ICC on the above-mentioned issues, with or without a cooperation agreement?
Did your Government encounter specific obstacles in cooperating with the Court in these areas? If so, could you identify them? What ways did you consider to find adequate solutions?

Please do not mention confidential forms of cooperation, such as information about voluntary cooperation with regard to witness relocation.

F. Diplomatic and public support in national, bilateral, regional and international settings

11. Has your Government seen opportunities to raise awareness and to enhance understanding of the Court? Please give examples.

12. Has your Government expressed its support for the Court by making public statements in international fora?

13. Has your Government expressed its support for the Court through diplomatic dialogue? If so, please elaborate.

14. Has your Government ensured its support for the Court within the United Nations, and/or other regional and other intergovernmental organizations?
If so, please specify which organizations.

G. Inter-State cooperation in the context of the Rome Statute system.

15. Has your Government engaged in inter-State cooperation in the context of the Rome Statute system, i.e., exchanges of experiences and mutual assistance or sharing of information with other State(s)?

Please specify how and in what contexts / networks.

To see all the 66 recommendations, go to https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-ASP6-Res-02-ENG.pdf