



STATEMENT

by

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On behalf of the European Union and its Member States

Plenary Session on Cooperation

15th Session of the Assembly of States Parties to the Rome Statute of the
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Statement on behalf of the EU and its Member States for "Cooperation " at the 15th Assembly of States Parties to the Rome Statute in November 2016

Mr. President,

The EU and its Member States welcome this plenary debate on the important issue of cooperation. The Candidate Countries the former Yugoslav Republic of Macedonia, Serbia and Albania, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina as well as Andorra, Ukraine, Republic of Moldova and Georgia align themselves with this statement.

The EU expresses its commitment to cooperate fully with the ICC in its investigations and prosecutions of serious crimes falling under the jurisdiction of the Court.

This plenary debate on cooperation, in particular the thematic discussion that just took place, underlines the importance of consistent action to strengthen the co-operation of all States Parties with the ICC, as well as national, regional and intergovernmental initiatives in that regard. The Court is as strong and as effective as we, States Parties, decide it to be. Altogether, through our respective actions, we have the possibility to ensure that the Court can function better.

Mr. President,

Let me now briefly touch upon few important issues concerning cooperation.

The EU belongs to first regional organizations to enter into an agreement on cooperation and assistance with the Court. In parallel, the European Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes has been set up. Its aim is to facilitate cooperation and assistance between the Member States' investigation and prosecution authorities and to exchange information on criminal investigation and prosecution of the relevant crimes.

From the point of view of the EU, full cooperation between States and the Court is dependant on proper implementation of the Rome Statute. Adequate implementing legislation at the national level greatly facilitates much needed cooperation. Therefore, the ratification of the Statute should go hand in hand with its full implementation.

Furthermore, concluding voluntary cooperation agreements with the Court is indispensable for performing its full mandate. Witness relocation, enforcement of sentences neither releases of persons could be carried out by the Court on its own. Instead, it fully relies on the voluntary cooperation of States. Relatively low number of concluded agreements is disappointing and the necessity to conclude

further cooperation agreements remains pressing. Thus, we support the calls upon all States to consider concluding such agreements with the ICC.

Mr. President,

The EU and its Member States welcome the efforts by the Court and all other stakeholders in the field of financial investigations. In particular, we welcome the report on cooperation challenges that the Court faces with respect to financial investigations. This particular type of cooperation, identified in the Court's flyer on cooperation as one of the priorities of the Court, is essential for securing funds for reparations, covering costs of legal aid as well as contributing to the prevention of further crimes, where feasible and appropriate. The EU concurs with the Court that all States Parties, including the EU Member States themselves, have to work together to identify legal and practical mechanisms for enhanced cooperation and implementation in this field.

Mr. President,

The ICC relies on the States cooperation to fulfil its mandate. When ratifying the Rome Statute, each State made a sovereign decision to be bound by the Statute and thus, comply with the obligation arising out of it including the obligation to cooperate fully under Part 9 of the Statute. The cooperation principle together with the principle of complementarity constitute the core elements in the effective functioning of the ICC.

Strong cooperation with Court will strengthen the integrity of the proceedings, reduce delays, improve the Court's efficiency and decrease its costs.

Therefore, full cooperation with the Court remains of the utmost importance for the EU and its Member States. This comprises different actions to be undertaken by States, including prompt execution of arrest warrants. States Parties themselves should examine further steps for better cooperation with the ICC, for example by improving better coordination among national authorities concerning Court's cooperation requests, appointing a focal point for cooperation with the ICC or improving inter-state cooperation in the context of the Rome Statute framework.

Finally, let me stress the importance of the Agreement on Privileges and Immunities of the Court (APIC). This agreement provides officials and staff of the ICC with privileges and immunities necessary for them to perform their duties in an independent and unconditional manner. Only through ratification and implementation of the APIC can States guarantee that their officials are aware of the actual scope and realities of these privileges and immunities and how to apply them in concrete situations. All EU Member States are parties to the APIC and we encourage all those States which have not taken this step yet to do so.

Mr. President,

Last, but not least, let me reiterate the unfailing support of the EU and its Member States towards the International Criminal Court and its work.

I thank you.
