

11 December 2017

NGO Cooperation Statement at Sixteenth ASP Plenary Session on Cooperation

On behalf of:

- Al-Haq,
- Amnesty International,
- FIDH (International Federation of Human Rights),
- Human Rights Watch,
- Institute for Security Studies,
- International Justice Project,
- Kenyans for Peace with Truth and Justice,
- the Moroccan Coalition for the ICC,
- the Nigerian Coalition for the ICC,
- No Peace Without Justice and;
- REDRESS

We wish to express our appreciation to the Assembly, and, in particular, the cooperation facilitators for their continued and persistent attention to heightening cooperation with the ICC. As the court moves forward into its next 20 years, ensuring practical cooperation in investigations, arrests, prosecution and defence and the implementation of reparation awards, and political support for the independent mandate of the court will remain paramount to advancing accountability and victims' access to justice before the ICC when all other avenues are blocked.

We welcome the focus on asset recovery. We wish to highlight our concerns regarding the Committee on Budget and Finance's recommendation that a requested eight-month post to support financial investigations not be approved in the court's 2018 budget. If implemented, this recommendation could work at cross-purposes with the Assembly's focus on this area.

The holding of the plenary this morning, your statements of support to the court at this session, the work of the facilitators over the course of the year, and the daily efforts of so many governments to meet the assistance requests of the court testify to your collective commitment to this court and the fight against impunity.

When states do not cooperate with the Court, victims are denied justice. Women, men and children who look to the Court for justice are denied that opportunity. We regret, therefore, the Assembly's limited attention to addressing non-cooperation. We welcome states parties' efforts to deter non-cooperation in the arrest of individuals wanted by the ICC. But as the Assembly knows, last year, three findings of non-cooperation were issued against the governments of Djibouti, Uganda, and Kenya. As far as we are aware, the Assembly has not followed up to these findings by making full use of its procedures on non-cooperation. These issues are far from moot. This year, President Omar al-Bashir of Sudan has visited numerous

non-States Parties, as well as Jordan, Uganda and Chad - ICC states parties - without facing arrest. Today, the ICC has referred a finding of non-cooperation against the government of Jordan to this Assembly and the UN Security Council.

Outside of this Assembly, the UN Security Council has provided virtually no follow-up on findings referred to it by the ICC in the situations regarding Darfur, Sudan and Libya.

Without arrests, without cooperation in investigations, justice will be delayed if not denied. We urge states parties to increase their attention to review and consistent implementation of the non-cooperation procedures, including through the important role of the Assembly's Presidency and regional focal points on non-cooperation. We urge states parties and the Assembly's focal points to follow through on their recommendation to hold a plenary session on non-cooperation at the Assembly's annual sessions.

States parties which are members of the UN Security Council should insist on that body's follow-up. Effective enforcement of the court's findings of non-cooperation as well as collective efforts to deter non-cooperation are an essential challenge we urge states parties to take up as they renew their commitment to the ICC at the 20th anniversary of the Rome Statute.