



Concept Note

Cooperation plenary session for the sixteenth session of the Assembly of States Parties:

11 December 2017

Cooperation: challenges and opportunities for effective cooperation on the eve of the 20th anniversary of the Rome Statute

Almost 20 years ago the founders of the Rome Statute designed the ICC as a court of last resort, with national States having the main responsibility to act in the fight against impunity. In this light, States Parties have the responsibility to support the ICC's judicial and prosecutorial functions by providing concrete cooperation at all stages of the Court's activities. Thus, cooperation was, and remains to this day, the cornerstone of the Court's effective functioning.

The importance of Inter-State cooperation in the context of the Rome Statute system was further highlighted by the Assembly's 66 recommendations on cooperation. In particular, it was highlighted that while concrete cooperation requests are usually addressed by each State individually, helping the ICC to fulfil its mandate is the collective responsibility of the community of States Parties and other stakeholders.

For 2017, the co-facilitators have decided to highlight cooperation on financial investigations. In their view, crimes may leave financial traces that can be used as evidence to identify different actors, perpetrators and to establish their involvement. In this regard, using financial data for investigation and prosecution purposes is one of the key solutions in addition to witness testimonies in all stages of proceedings. States Parties have many entities retaining such information such as financial intelligence units. They gather data through anti-corruption or money laundering programs that could help the Court and its investigators. In this regard, States Parties should support the Court political and strategic decisions to institutionalize cooperation with financial intelligence units and international organizations in order to have an efficient access to relevant financial information in the spirit of the Paris Declaration.

Segment I: Financial investigations

The aim of the first half of the cooperation plenary session at the sixteenth session of the Assembly is, following the intervention of the Prosecutor and the Registrar of the ICC, to briefly explain the main issues regarding financial investigations discussed at the Paris Conference on 20 October 2017, and the key elements of the draft declaration of Paris. States that have enhanced cooperation with the Court on financial matters will be invited to present their model of cooperation. The floor will then be open to all States wishing to express their views or comments.

Segment II: 20 years later: the future of cooperation with the ICC

The second half of the cooperation plenary session would address the main challenges on the eve of the 20th anniversary of the Rome Statute in the area of cooperation, but also to increase awareness



of initiatives taking place either at the national, regional or international level, and to examine how they are contributing to the effective cooperation, investigation and prosecution of Rome Statute crimes. The session would look into possibilities for further developing cooperation and coordination mechanisms in specific challenging areas. In addition the session would cover other developments in the field of cooperation, including voluntary agreements.

Format (3 hours total):

The Plenary will be divided into two segments¹:

- The first segment will focus on the main issues regarding financial investigations and asset recovery which were discussed at the Paris Conference on 20 October 2017. The segment will consist of a 1.5 hour interactive panel featuring speakers representing different regions and backgrounds: the Court, international and regional organizations.
- The second segment will address the main challenges to and opportunities for cooperation on the eve of the 20th anniversary of the Rome Statute, and will also consist of a 1.5 hour interactive panel with a focus on some of the key challenges faced by the Court in carrying out its mandate, both in the past and what may be foreseen for the future. This segment will thus contribute to additional discussions that may take place in the context of the twentieth anniversary of the adoption of the Statute. The segment will be open to States Parties and NGO's.

Two speakers' lists will be opened prior to the Assembly session and States and other stakeholders wishing to intervene in the discussions should inscribe themselves on these lists.² The first list would be for inscription on thematic topic of the Paris Conference, namely financial investigations and asset recovery, and the second list would be for inscription in regards to general comments on cooperation. Speakers are requested to limit their interventions to three minutes.

¹ Comprehensive agenda will follow.

² Requests for inscription should be sent to the Secretariat by Friday 8 December 2017 at: ASP16cooperation@gmail.com, and copied to the following address: legal.la-haye-amba@diplomatie.gouv.fr