



**Intervention on behalf of the European Union and its Member States**

**Plenary session**

**"Cooperation"**

*at the International Criminal Court*

*Seventeenth Session of the Assembly of States Parties*

**The Hague**

**7 December 2018**

**- CHECK AGAINST DELIVERY -**

Mr. President,

The EU and its Member States welcome this plenary debate on cooperation, an issue of the utmost importance.

The Candidate Countries Serbia and Albania, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the EFTA country Iceland, member of the European Economic Area, as well as the Republic of Moldova and Georgia align themselves with this intervention.

The EU reiterates its commitment to cooperate fully with the International Criminal Court in its investigations and prosecutions of serious crimes falling under the jurisdiction of the Court and expresses its unwavering support to the Court and its work.

One illustration of the EU's commitment to the ICC is the Agreement on Cooperation and Assistance concluded between the EU and the ICC in 2006, which establishes a framework for cooperation between the two parties.

Mr President,

The fight against impunity can only succeed when all States Parties cooperate fully with the Court and adhere to their obligations under the Rome Statute.

Cooperation with the ICC is of the utmost importance for the Court to carry out its mandate. In particular, the prompt execution of arrest warrants is one of the key obligations to cooperate with the Court.

Non-cooperation by States Parties to the Rome Statute and other States that may be under an obligation to cooperate with the Court not only undermines the Court but also constitutes a breach of their international obligation.

In particular, we call upon all UN Member States to abide by and implement the resolutions adopted by the Security Council under Chapter VII of the UN Charter, notably UNSCR 1593 (2005), referring the situation in the Darfur region of Sudan to the ICC and requiring Sudan to cooperate fully.

The EU and its Member States are ready to consider initiatives aimed at strengthening the cooperation between the ICC and the Security Council, notably with the Office of the Prosecutor, in particular by putting in place effective follow-up measures.

Mr President,

Providing support to the ICC is not achieved simply by ratifying the Rome Statute. The EU will also continue to advocate for the ratification and implementation of the Agreement on Privileges and Immunities of the Court (APIC). We also encourage all States Parties to consider what further steps they could take to strengthen their cooperation with the Court, for instance by concluding, as appropriate, voluntary cooperation agreements, for example on relocation of witnesses, enforcement of sentences, interim and final release of detained persons, which are all activities that the Court cannot carry out on its own.

We also urge States Parties to consider establishing national central authorities or focal points to facilitate the cooperation with the Court and to improve contacts and streamline cooperation between the Court and national criminal and financial investigation authorities.

Cooperation also encompasses the implementation of the Rome Statute in the national legal orders of States Parties. The ICC is a court of last resort, which complements, not replaces national courts. Complementarity and cooperation between national jurisdictions and the Court are essential features of the Rome Statute, aimed at strengthening national justice systems. Adequate implementing legislation at the national level should be considered, as appropriate, to facilitate cooperation.

Mr President,

The functioning of the ICC depends, to a large extent, on the quality of the cooperation provided by its States Parties. Improved cooperation with the ICC will make the Court stronger, more efficient and will preserve the integrity of the proceedings.

I thank you.