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## **Report of the Bureau on cooperation**

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## I. Background

1. Operative paragraph 30 of resolution ICC-ASP/15/Res.3 entitled “Cooperation”, adopted by the Assembly of States Parties (“the Assembly”) on 24 November 2016, requested the Bureau to maintain a facilitation of the Assembly for cooperation to consult with States Parties, the Court and non-governmental organizations as well as other interested States and relevant organizations in order to further strengthen cooperation with the Court.
2. On 7 February 2019 the Bureau re-appointed Ambassador Momar Guèye (Senegal) and Ambassador Philippe Lalliot (France) as co-facilitators on cooperation.
3. Upon the departure of Ambassador Lalliot the Bureau appointed on 17 September 2019 Ambassador Luis Vassy (France) as co-facilitators.

## II. Organization of work and general findings

4. In 2019, The Hague Working Group (“the working group”) held a total of two informal consultations on the issues of cooperation. Meetings were held on 9 April and 30 October 2019. Meetings and consultations have been held with a number of stakeholders, including States, Court officials and representatives of civil society.
5. At the first 2019 meeting, held on 9 April, the co-facilitators presented their programme of work which included the following set of issues on which to focus the efforts of the working group, pursuant to the mandates outlined in the resolution on cooperation (ICC-ASP/17/Res.3),<sup>1</sup> as well as in the omnibus resolution (ICC-ASP/17/Res.5, including annex I<sup>2</sup>). The definition of the priorities for 2019 was without prejudice to the monitoring and evaluation of the priorities of 2018:
  - (a) voluntary agreements;<sup>3</sup>
  - (b) follow-up to the Paris Declaration on financial investigations and asset recover;<sup>4</sup>
  - (c) Arrests;
  - (d) Follow-up action regarding cooperation issues identified in the framework of the review and strengthening process of the Court and the Rome Statute System;

### A. Voluntary agreements

6. Voluntary agreements was set as a priority thematic issue in 2017, with follow-up having been undertaken in 2018, in particular, during the plenary session on cooperation of the seventeenth session of the Assembly of States Parties, in the course of which a segment was devoted to that issue. At the discussion held during this segment, during which the Registrar of the Court intervened, it was emphasized that the increase in the number of States Parties signing voluntary agreements with the Court allowed for burden-sharing between States and offered the Court more flexibility on potential cases. It also provided an opportunity for two States Parties to share their national experience. This plenary session resulted in the signing of a voluntary agreement on the enforcement of sentences between the Court and Slovenia, reflecting the importance of continuing our efforts to encourage the signing of such instruments.
7. As in previous years, the co-facilitation continued in 2019 to promote the signing of voluntary agreements. During the first meeting of the facilitation on 9 April 2019, the Registrar, Mr. Peter Lewis, made a presentation on three types of agreements (relocation of witnesses, release and provisional release) and recalled that these agreements are flexible in nature and aim at increasing the legal certainty for both States and the Court; subject to the

<sup>1</sup> ICC-ASP/17/Res.3, adopted at the 11th plenary meeting, on 11 December 2018, by consensus.

<sup>2</sup> ICC-ASP/17/Res.5, adopted at the 13th plenary meeting, on 12 December 2018, by consensus.

<sup>3</sup> *Ibid.*, operative paragraph 22.

<sup>4</sup> ICC-ASP/16/17, appendix.

dual consent principle, meaning that the State retains the decision-making power of whether to accept a specific person ; an effective way to prevent delays or mitigate costs related to judicial proceedings; and a demonstration of States' concrete commitment to the Court's work.

8. The Embassies of Georgia and Slovenia intervened, as the most recent signatories of a voluntary agreement, in order to share their experiences, especially the preparation at the national level. They described the process of negotiations with the Presidency of the Court, the designation of a focal point for consultations with the Court, the drafting of the agreement, the inter-ministerial coordination up to the transmission to the Government and the change needed in the national legislation.

## **B. Follow-up to the Paris Declaration on financial investigations and asset recovery**

9. Following the adoption in New York on 14 December 2017 of the Paris Declaration, financial investigations and asset recovery were a priority in 2019. At the meeting on 9 April, the Court summarized the discussions and outcomes of the technical seminar on cooperation with the Court situation countries, in the field of financial investigations and asset recovery, which was held on 25 January 2019 in The Hague. Two main issues were identified with regard to financial investigations:

(a) Most national laws require a link between the crime and the assets identified in order to implement the Court's request for seizing and freezing the assets though, according to a decision of the Court's Appeals Chamber of 15 February 2016 (ICC-ACRed-01/16), no such link is required;

(b) In cases where the suspect or accused is found indigent and subsequently it is found out that the person is not indigent, an order of contribution is issued by the Court. Most States do not have legislation in place to deal with the implementation of such orders. An innovative solution, as proposed by some States, is to look at the national legislation and be inspired by the civil law cases (where applicable) and open a fraud based case which will allow implementation of the contribution orders.

10. Another important challenge remains the limited awareness of the mandate of the Court in relation to financial investigations and asset recovery, therefore awareness-raising and informal exchanges with domestic authorities was important. The Court called for the appointment of national contact points with expertise in the area of freezing and recovery of assets and sustained awareness-raising efforts nationally aimed at ensuring good knowledge of the Court's case-law and its mandate in this area.<sup>10</sup> At the second 2019 meeting, held on 30 October, the co-facilitators presented the project of establishing a secured digital portal. This portal, which will take the form of a space dedicated to cooperation issues on the Assembly of States Parties website, access to which will be limited to the Court and States Parties, has several objectives:

(a) Be the forum for an enhanced exchange of relevant information between States Parties to create a spillover effect, or even to encourage inter-State cooperation with a view to strengthening States' capacity to cooperate with the Court;

(b) Identify in a precise and concrete way the difficulties and challenges from the point of view of States to the effective execution of the Court's requests for cooperation;

(c) Continue work to explain and raise awareness of the Court's mandate and requirements for financial investigations and asset recovery, including the nature and scope of cooperation obligations. This objective may in particular take the form of a specific tab of the platform devoted to an explanation of the Court's case-law, for example on the execution of requests for freezing assets.

11. A questionnaire has been prepared to collect information from States Parties on the procedures applied by States to respond to the Court's requests for cooperation in general, and on the issues involved in the Court's financial investigations and on the identification, freezing and seizure of property and financial assets.

12. This identification of both the mechanisms put in place by States Parties and the concrete difficulties or challenges that States face in these areas would constitute a first step towards greater engagement of States and the Court in identifying and implementing practical solutions to strengthen cooperation.

13. No objection was raised to move forward with this initiative. The facilitators will gather comments from States Parties on the framing of the questionnaire in order to make it the most useful possible. The co-facilitators aim at launching the platform before the end of the first 2020 semester.

### **C. Arrests**

14. At its thirteenth, fourteenth and fifteenth sessions, the Assembly had taken note of the report on arrest strategies submitted by the Rapporteur<sup>5</sup> which had annexed a draft Action Plan, and had invited the Bureau to continue discussions on the topic with a view to submitting a consolidated draft Action Plan on Arrest Strategies for consideration by the Assembly.<sup>6</sup>

15. In 2017, the co-facilitators, as mandated by the Assembly, conducted informal consultations on arrest strategies; given the importance of this topic, additional consultations were held in 2018.

16. On 7 November 2018, the co-facilitators in cooperation with the Court and the International Organization of La Francophonie organized a seminar entitled “Arrests: a key challenge in the fight against impunity”. The aim of the seminar was to discuss ways of strengthening cooperation for arresting persons suspected of committing crimes within the mandate of the Court. This topic is important not only in terms of the mandate of the International Criminal Court, but also as part of the broader context of the global fight against impunity. The seminar contained three panel discussions addressing the issues from the proceedings leading to an arrest warrant’s issuance and then to its implementation.

17. At the closing of the seminar, the co-facilitators noted a number of ideas and concrete proposals aimed at improving cooperation with respect to the implementation of arrest warrants, which needed further discussions and deepening;

18. During the plenary session on cooperation of the seventeenth session of the Assembly of States Parties, a segment was devoted to the follow-up of the 7 November 2018 seminar. The Prosecutor Ms. Fatou Bensouda and the Registrar Mr. Peter Lewis, renewed their appeal to States Parties on the need to improve cooperation in the field of arrests. Panellists also included practitioners such as a representative of INTERPOL and President of the ICC Bar Association, whose interventions emphasized the primary responsibility and the unique role of States Parties in arresting suspects. In addition, the release of the Court’s publication “Arresting ICC suspects at large: Why it matters; What the Court does; What States can do” constituted a milestone of the ICC communication campaign on arrests.

### **D. Follow-up action regarding cooperation issues identified in the framework of the review and strengthening process of the Court and the Rome Statute System**

19. At its 30 of October 2019 meeting the facilitators raised the issue of the follow-up discussions on the issues related to cooperation in the process to review and strengthen the International Criminal Court. They recalled that cooperation is identified in the “Matrix over possible areas of strengthening the Court and the Rome Statute System”, dated 11 October 2019, prepared by the Presidency of the Assembly (point 3.1 Strengthening cooperation in general; 3.2 Implementation of arrest warrants; 3.4 Cooperation with the UN and UNSC) as an area where actions were needed to improve the performance of the Rome Statute system and they proposed that the facilitation on cooperation is the framework for those substantive discussions and further work in 2020.

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<sup>5</sup> ICC-ASP/13/29/Add.1.

<sup>6</sup> ICC-ASP/13/Res.3, para. 4 and ICC-ASP/13/Res.5, para.11.

20. The annual report of the Court on cooperation activities was presented during the same meeting by the Registry. This report<sup>7</sup>, which covers the period from September 2018 to September 2019, presents the Court's activities according to the seven main priorities of cooperation identified by the Court and States. This report can be a useful tool to an enhanced dialogue with the Court on its needs and priorities, and obstacles to cooperation.

21. Finally, during the 30 of October 2019 meeting, the Registry also made a presentation on the current situation of the Trust Fund for Family Visits ("TFFV"), which relies on voluntary donations to fund family visits of ICC indigent detainees, and which is currently depleted. States took note of the information; given this complex situation, the facilitators invite the Registry to continue to keep States regularly informed of the issue.

### **III. Recommendations**

22. The working group recommended that the Assembly continue to monitor cooperation with a view to facilitating States Parties in sharing their experiences and considering other initiatives to enhance cooperation with the Court, bearing in mind the work of the Group of Independent Experts on the review and the strengthening of the Court in 2020 and underlining that issues related to cooperation are identified for follow-up action of the Assembly of states parties, and to continue to include cooperation as a standing agenda item for future sessions of the Assembly, pursuant to operative paragraph 30 of resolution ICC-ASP/17/Res.3. The working group further recommended that the draft resolution in annex I be adopted by the Assembly following the plenary session on cooperation.

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<sup>7</sup> ICC-ASP/18/16 and Corr.1.

## Annex I

### [Draft] Resolution on cooperation

*The Assembly of States Parties,*

*Recalling* the provisions of the Rome Statute, the Declaration on Cooperation (RC/Dec.2) agreed by States Parties at the Review Conference in Kampala and previous resolutions and declarations of the Assembly of States Parties with regard to cooperation, including ICC-ASP/8/Res.2, ICC-ASP/9/Res.3, ICC-ASP/10/Res.2, ICC-ASP/11/Res.5, ICC-ASP/12/Res.3, ICC-ASP/13/Res.3, ICC-ASP/14/Res.3, ICC-ASP/15/Res.3, ICC-ASP/16/Res.2, ICC-ASP/17/Res.3 and the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2,

*Determined* to put an end to impunity by holding to account the perpetrators of the most serious crimes of concern to the international community as a whole, and *reaffirming* that the effective and expeditious prosecution of such crimes must be strengthened, inter alia, by enhancing international cooperation,

*Stressing* the importance of effective and comprehensive cooperation and assistance by States Parties, other States, and international and regional organizations, to enable the Court to fulfil its mandate as set out in the Rome Statute and that States Parties have a general obligation to cooperate fully with the Court in its investigation and prosecution of crimes within its jurisdiction, including with regard to the execution of arrest warrants and surrender requests, as well as other forms of cooperation set out in article 93 of the Rome Statute,

*Welcoming* the report of the Court on cooperation<sup>1</sup>, submitted pursuant to paragraph 31 of resolution ICC-ASP/17/Res.3,

*Noting* that contacts with persons in respect of whom an arrest warrant issued by the Court is outstanding should be avoided when such contacts undermine the objectives of the Rome Statute,

*Further noting* the arrest guidelines issued by the Office of the Prosecutor for the consideration of States, including inter alia, the elimination of non-essential contacts with individuals subject to an arrest warrant issued by the Court and that, when contacts are necessary, an attempt is first made to interact with individuals not subject to an arrest warrant,

*Noting* the guidelines setting out the policy of the United Nations Secretariat on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses issued by the Court, as annexed to a letter dated 3 April 2013 by the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council,

*Welcoming* the publication released by the Court at the seventeenth session of the Assembly “Arresting ICC suspects at large: Why it matters; What the Court does; What States can do” and the social media campaign of the Court in order to raise awareness on the fifteen unimplemented arrest warrants issued by the Court;

*Recognizing* that requests for cooperation and the implementation thereof should take into account the rights of the accused,

*Commending* international and regional organizations’ support for strengthening cooperation in the area of voluntary agreements,

*Recalling* the pledges relating to cooperation made by States Parties at the Review Conference in Kampala and *noting* the importance of ensuring adequate follow-up with regard to the implementation of pledges,

[*Taking note* of the “Matrix over possible areas of strengthening the Court and the Rome Statute System”, dated 11 October 2019, prepared by the Presidency of the Assembly,

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<sup>1</sup> ICC-ASP/18/16 and Corr.1.

which identifies as a priority issue to be addressed by the Bureau and its working groups, the strengthening of cooperation];

1. *Emphasizes* the importance of timely and effective cooperation and assistance from States Parties and other States under an obligation or encouraged to cooperate fully with the Court pursuant to Part 9 of the Rome Statute or a United Nations Security Council resolution, as the failure to provide such cooperation in the context of judicial proceedings affects the efficiency of the Court and *stresses* that the non-execution of cooperation requests has a negative impact on the ability of the Court to execute its mandate, in particular when it concerns the arrest and surrender of individuals subject to arrest warrants;
2. *Expresses* serious concerns that arrest warrants or surrender requests against 15 individuals remain outstanding<sup>2</sup> despite the arrest and surrender to the Court of two suspects in November 2019 and January 2019 and *urges* States to cooperate fully in accordance with their obligation to arrest and surrender to the Court;
3. *Notes* the OTP and the Registry common efforts to devise and implement common strategies and missions to foster the arrest of suspects within the inter-organ working group on arrest strategies created in March 2016;
4. *Reaffirms* that concrete steps and measures to securing arrests need to be considered in a structured and systematic manner, based on the experience developed in national systems, the international ad hoc and mixed tribunals, as well as by the Court, regarding both tracking efforts and operational support;
5. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants following the seminar organized by the facilitators on cooperation on 7 November 2018 in The Hague;
6. *Urges* States Parties to avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party, *welcomes* the efforts of States and international and regional organizations in this regard, and *acknowledges* that States Parties may, on a voluntary basis, advise the ICC of their own contacts with persons subject to a warrant of arrest made as a result of such an assessment;
7. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, in particular through implementing legislation and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such legislative and to set up effective procedures and structures so as to ensure that they can fully meet their obligations under the Rome Statute regarding cooperation and judicial assistance;
8. *Acknowledges* efforts by States, by civil society organizations and by the Court, including through the Legal Tools Project, to facilitate exchange of information and experiences, with a view to raising awareness and facilitating the drafting of national implementing legislation and underlines the need to further exchange experience and best practices between States Parties;
9. *Encourages* States to establish a national focal point and/or a national central authority or working group tasked with the coordination and mainstreaming of Court related issues, including requests for assistance, within and across government institutions, as part of efforts aimed at making national procedures for cooperation more efficient, where appropriate;
10. *Recalls* the report to the thirteenth session of the Assembly on the feasibility study of establishing a coordinating mechanism of national authorities, and *encourages* States Parties to continue the discussion;
11. *Emphasizes* ~~also~~ the on-going efforts made by the Court in providing focused requests for cooperation and assistance which contribute to enhancing the capacity of States Parties and other States to respond expeditiously to requests from the Court, ~~and~~ *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance and *invites* the States to consider offering

<sup>2</sup> As of 23 October 2019, see ICC-ASP/18/16, para 43.

consultations and facilitating meetings between the Court organs formulating the requests and the competent national authorities ultimately in charge of executing them with a view to finding solutions together on ways to assist or transmit the information sought and when appropriate, to follow up on execution of requests and discuss on the most efficient way forward;

12. *Recognizes* that effective and expeditious cooperation with regard to the Court's requests for the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crime is crucial to the provision of reparations to victims and for potentially addressing the costs of legal aid;

13. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible; *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitate cooperation between the Court, States Parties, other States and international organizations;

14. *Recalls* the importance of the non-legally binding Paris Declaration on asset recovery annexed to resolution ICC-ASP/16/Res.2

15. *Welcomes* the proposal of the facilitation on cooperation to create a secured digital platform to reinforce exchange of relevant information between States Parties to encourage inter-State cooperation and to strengthening States' capacity to cooperate with the Court; to identify the practical challenges to the effective execution of the Court's requests for cooperation and to further raise awareness of the Court's mandate and requirements for financial investigations and asset recovery, and *decides* to continue the work with the Court and the Secretariat of the Assembly in order to open the platform in 2020;

16. *Urges* States Parties to cooperate with requests of the Court made in the interest of Defence teams, in order to ensure the fairness of proceedings before the Court;

17. *Calls upon* States Parties as well as non-States Parties that have not yet done so to become parties to the Agreement on Privileges and Immunities of the International Criminal Court as a matter of priority, and to incorporate it in their national legislation, as appropriate;

18. *Acknowledges* the importance of protective measures for victims and witnesses for the execution of the Court's mandate, *welcomes* the new relocation agreement concluded since the last resolution on cooperation, and *stresses* the need for more relocation agreements or arrangements with the Court for the expeditious relocation of witnesses;

19. *Calls upon* all States Parties and other States, to consider strengthening their cooperation with the Court by entering into agreements or arrangements with the Court, or any other means concerning, inter alia, protective measures for victims and witnesses, their families and others who are at risk on account of testimony given by witnesses;

20. *Acknowledges* that, when relocation of witnesses and their families proves necessary, due account should be given to finding solutions that, while fulfilling the strict safety requirements, also minimize the humanitarian costs of geographical distance and change of linguistic and cultural environment and *urges* all States Parties to consider making voluntary contributions to the Special Fund for Relocations;

21. *Welcomes* the conclusion of two agreements between the Court and the Republic of Slovenia, and the Republic of Georgia on the Enforcement of sentences;

22. *Emphasizes* that the need for cooperation with the Court on the enforcement of sentences, and on interim and final release is likely to increase in the coming years as more cases proceed toward conclusion, *recalls* the principle enshrined in the Rome Statute that States Parties should share the responsibility for enforcing sentences of imprisonment and for the interim and final release, in accordance with principles of equitable distribution, and *calls upon* States Parties to actively consider the conclusion of agreements with the Court to this end;

23. *Commends* and *further encourages* the work of the Court on framework agreements or arrangements, or any other means in areas such as interim release, final release - also in

cases of acquittal - and sentence enforcement which may be essential to ensuring the rights of suspects and accused persons, in accordance with Rome Statute and guaranteeing the rights of convicted persons and *urges* all States Parties to consider strengthening cooperation in these areas;

24. *Requests* the Bureau, through its Working Groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its nineteenth session;

25. *Welcomes and further encourages* the increased cooperation between the Court and the United Nations, and other international and regional organizations, relevant mechanisms for collecting and preserving evidence, and other inter-governmental institutions with a view to foster prosecution of crimes falling within the jurisdiction of the Court;

26. *Urges* States Parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council refers situations to the Court, ensuring diplomatic and financial support; cooperation by all United Nations Member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions;

27. *Emphasizes* the importance of States Parties enhancing and mainstreaming diplomatic, political and other forms of support for, as well as promoting greater awareness and understanding of the activities of the Court at the international level, and *encourages* States Parties to use their capacity as members of international and regional organizations to that end;

28. *Welcomes* the work undertaken on the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,<sup>3</sup> *recalls* the flyer prepared by the Court that can be used by all stakeholders to promote the 66 recommendations and increase their understanding and implementation by relevant national actors and the Court;

29. *Requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;

30. *Requests* the Bureau, through its Working Groups to speed up its review of the implementation of the 66 recommendations, in close cooperation with the Court, where appropriate;

31. *Requests* the Bureau, through the facilitation on cooperation, bearing in mind the process launched for the review and the strengthening of the Court, to examine the issues and challenges related to cooperation, with a view to identify concrete measures and follow-up action in order to address those challenges and to report thereon to the Assembly at its nineteenth session;

32. *Encourages* the Bureau to identify issues for the Assembly to continue holding plenary discussions on specific topics related to cooperation, including on the issue of financial investigations and arrests;

33. *Recognizes* the importance of ensuring a safe environment for strengthening and fostering cooperation between civil society and the Court and of taking all necessary action to address threats and intimidation directed at civil society organizations;

34. *Welcomes* the organization by the Court, with the support of States Parties and international and regional organizations, of the 6<sup>th</sup> Focal points seminar on cooperation in January 2019 at the seat of the Court with attendance of 28 national focal points from situation countries and other countries of relevance for the judicial activities of the Court, and a one day technical seminars directly following the focal points seminar, focused on cooperation regarding financial investigations and recovering of assets, *underlines* that

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<sup>3</sup> Resolution ICC-ASP/6/Res.2, annex II.

those seminar constitute important platforms to enhance dialogue and cooperation between the Court and States Parties including on new developments in technical areas of cooperation, and *encourages* all stakeholders, including civil society organizations, to continue organizing events that allow for exchange of information with the purpose of enhancing cooperation and constructively seeking solutions to identified challenges;

35. *[Placeholder for text based on ASP cooperation debate]*;

36. *Recognizing* the importance of the Court's contribution to the Assembly's efforts to enhance cooperation, *welcomes* the Court report on cooperation<sup>4</sup>, *requests* the Court to submit an updated report on cooperation to the Assembly at its nineteenth session and to present in that report disaggregated data over the responses provided by States Parties, including highlighting the main challenges;

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<sup>4</sup> ICC-ASP/18/16 and Corr.1.

## Annex II

### Proposed text for omnibus resolution

#### A. Cooperation

1. *Refers* to its resolution ICC-ASP/18/Res.[...] on cooperation;
2. *Calls upon* States Parties to comply with their obligations under the Rome Statute, in particular the obligation to cooperate in accordance with Part 9, and *also calls upon* States Parties to ensure full and effective cooperation with the Court in accordance with the Rome Statute, in particular in the areas of implementing constitutional and legislative framework, enforcement of Court decisions and execution of arrest warrants;
3. *Reaffirms* the importance of supporting all those cooperating with the Court, including States and relevant international bodies and entities, in order to secure the ability of the Court to fulfil its critical mandate of holding accountable perpetrators of the most serious crimes of concern to the international community and delivering justice to victims;
4. *Further calls upon* States Parties to continue to express their political and diplomatic support to the Court, *recalls* the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2 and *encourages* States Parties and the Court to consider further measures to enhance their implementation and to strengthen their efforts to ensure full and effective cooperation with the Court;
5. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants following the seminar organized by the facilitators on cooperation on 7 November 2018 in The Hague;
6. *[Placeholder for text based on ASP cooperation debate]*;
7. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, *welcomes* the Court's report and comprehensive presentation on cooperation challenges faced by the Court with respect to financial investigation and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitate cooperation between the Court, States Parties, other States and international organizations;
8. *Recalls* the importance of the non-legally binding Declaration of Paris on asset recovery annexed to resolution ICC-ASP/16/Res.2;

#### B. Mandates of the Assembly of States Parties for the intersessional period

1. With regard to **cooperation**,
  - (a) *urges* the Bureau, through The Hague Working Group, to continue the discussions on the proposals resulting from the seminar of the co-facilitation held in The Hague on 7 November 2018 entitled "Arrests: a key challenge in the fight against impunity";
  - (b) *requests* the Bureau, through its Working Groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its nineteenth session;
  - (c) *invites* the Bureau, through its Working Groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities;
  - (d) *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance, including by considering consultations with the State Party concerned when necessary;

(e) *requests* the Bureau, through its Working Groups, to speed up its review of the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,<sup>1</sup> in close cooperation with the Court, where appropriate;

(f) *requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;

(g) *Requests* the Bureau, through the facilitation on cooperation, bearing in mind the process launched for the review and the strengthening of the Court, to examine the issues and challenges related to cooperation, with a view to identify concrete measures and follow-up action in order to address those challenges and to report thereon to the Assembly at its nineteenth session;

(h) *requests* the Court to continue to submit an updated report on cooperation to the Assembly at its annual session and to present in that report disaggregated data over the responses provided by States Parties, including highlighting the main challenges;

(i) *mandates* the Bureau, through its Working Groups, to continue discussions on cooperation on financial investigations and the freezing and seizing of assets as set out in the Declaration of Paris.

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<sup>1</sup> ICC-ASP/6/Res.2, annex II.