

Annex VII

Draft resolution on complementarity

The Review Conference,

Reaffirming its commitment to the Rome Statute of the International Criminal Court,

Reaffirming its determination to combat impunity for the most serious crimes of international concern as referred to in the Rome Statute,

Reaffirming further that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

Welcoming the efforts of the Court to investigate and prosecute those bearing responsibility for the most serious crimes of international concern,

Stressing the need to achieve universality of the Statute as a means to end impunity and *acknowledging* that assistance to strengthen domestic capacity may have positive effects in this regard,

1. *Recognizes* the primary responsibility of States to investigate and prosecute the most serious crimes of international concern;
2. *Emphasises* the principle of complementarity as laid down in the Rome Statute and *stresses* the obligations of States Parties flowing from the Rome Statute;
3. *Recognizes* the need for additional measures at the national level as required and for the enhancement of international assistance to effectively prosecute perpetrators of the most serious crimes of concern to the international community;
4. *Notes* the importance of States Parties taking effective domestic measures to implement the Rome Statute;
5. *Recognizes* the desirability for States to assist each other in strengthening domestic capacity to ensure that investigations and prosecutions of serious crimes of international concern can take place at the national level;
6. *Takes note of* the report of the Bureau on complementarity and its recommendations as a background paper for discussions at the Review Conference;
7. *Welcomes* the fruitful discussions on the issue of complementarity held during the Review Conference;
8. *Encourages* the Court, States Parties and other stakeholders, including international organizations and civil society to further explore ways in which to enhance the capacity of national jurisdictions to investigate and prosecute serious crimes of international concern as set out in the Report of the Bureau on complementarity, including its recommendations;

9. *Requests* the Secretariat of the Assembly of States Parties, in accordance with resolution ICC-ASP/2/Res.3, and, within existing resources, to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and *requests* the Secretariat of the Assembly of States Parties to report to the tenth session of the Assembly on progress in this regard;

10. *Requests* the Bureau to continue the dialogue with the Court and other stakeholders on the issue of complementarity and *invites* the Court to present to the Assembly at its tenth session, as appropriate, a report in this regard.