

Resolution ICC-ASP/8/Res.2

Adopted at the 8th plenary meeting, on 26 November 2009, by consensus

ICC-ASP/8/Res.2 Cooperation

The Assembly of States Parties,

Stressing the importance of effective and comprehensive cooperation and assistance by States, international and regional organizations, so that the Court can properly fulfil its mandate,

Recalling that at its seventh session the Assembly encouraged the Bureau to continue to work on cooperation in close coordination with the Court and to report on significant developments to the Assembly at its eighth session¹,

Noting the report of the Court on the issue of cooperation,

1. *Recalls* the adoption of the resolution of the Assembly on Strengthening the International Criminal Court and the Assembly of States Parties, at its sixth session on 14 December 2007, and *strongly encourages* States Parties to continue to intensify their cooperation with the Court, inter alia, by implementing the full-range of recommendations contained in annex II of the resolution;
2. *Encourages* national prosecuting authorities to cooperate and exchange information and best practices on the prosecution of international crimes;
3. *Encourages* the Court to continue its efforts to foster cooperation with States, international and regional organizations and civil society and *recalls* that effective cooperation remains essential for the Court to carry out its activities;
4. *Appreciates* the efforts of the Court and the United Nations to strengthen their cooperation and to promote the full implementation of the Relationship Agreement between the International Criminal Court and the United Nations;
5. *Expresses its gratitude* for the Secretary-General's efforts to strengthen cooperation between the United Nations and the Court;
6. *Acknowledges with appreciation* the continued cooperation between the Court and the United Nations system, as evidenced by the hosting of a trial by the Special Court for Sierra Leone, and by several supplementary arrangements established within the framework provided by the Relationship Agreement between the Court and the United Nations;
7. *Welcomes* the implementation of the Agreement between the International Criminal Court and the European Union on Cooperation and Assistance, as well of the other agreements of the Court and the Office of the Prosecutor, *encourages* the Court to conclude as early as possible an agreement with the African Union, and *invites* other relevant regional organizations to consider concluding such agreements with the Court;

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part III, resolution ICC-ASP/7/Res.3, para. 42.

8. *Appeals* to all States in which personnel of the Court are deployed and to all others on which such personnel may rely to ensure the safety of, and to prevent attacks against, personnel of the Court and to provide cooperation and judicial assistance aimed at facilitating the conduct and fulfilling of their mandate;

9. *Acknowledges* the crucial role played by journalists, media professionals and associated personnel to inform the international community on the Court's activities, and *stresses* the necessity for States and other parties to an armed conflict to protect such persons as civilians, provided that they enjoy such status under international humanitarian law;

10. *Takes note* of the ongoing activities of international organizations and agencies, as well as other organizations, including non-governmental organizations, in the promotion of international criminal justice, and the support provided to the Court;

11. *Notes* the potential contribution that inter-governmental cooperative initiatives can, upon request and when legally feasible, play in the effective enforcement of international criminal justice through, for example, the rapid identification, collection and preservation of the most perishable type of information relating to crimes under international law, including the International Humanitarian Fact-Finding Commission and other similar institutions;

12. *Further takes note* of the initial operational readiness of Justice Rapid Response as an inter-governmental cooperative mechanism to support international criminal justice, through the creation of a stand-by facility of expertise in order to assist in the rapid identification, collection and preservation of information relating to crimes under international law, and also *takes note* of the continued development and operability of this mechanism;

13. *Emphasizes* the need for States Parties and those States under an obligation to do so to cooperate with the Court in such areas as preserving and providing evidence, sharing information, securing the arrest and surrender to the Court of persons for whom arrest warrants have been issued and protecting victims and witnesses, and *strongly encourages* States, international and regional organizations, as well as civil society, to intensify their support to the Court in its efforts to that end, as appropriate;

14. *Encourages* States Parties to continue to express diplomatic and political support for the Court and for cooperation with the Court;

15. *Calls upon* States to enter into arrangements with the Court concerning, inter alia, protective measures for witnesses, including witness relocation, victims, their families, and others who are at risk on account of testimony given by witnesses and sentence enforcement;

16. *Requests* the Bureau to appoint a new facilitator of the Assembly of States Parties for cooperation for a period of two years, and further *recommends* that, in close consultation with States Parties, the Court and non-governmental organizations, as well as via liaising with other interested States and relevant organizations, the following issues be dealt with as a matter of priority by such facilitation:

- a) Exploring ways to continue enhancing public and diplomatic support to the Court;
- b) Exploring ways to continue enhancing the enforcement of Court decisions;
- c) Undertaking an assessment of other forms of assistance not specifically listed in the Rome Statute, but necessary for the functioning of the Court;
- d) Developing a framework of action for the adoption of national legislation pursuant to article 88 of the Rome Statute, which could include the development of a mechanism to collect the records and best practices of States Parties in respect to implementing legislation;

e) Promoting the conclusion of agreements, or other arrangements, for protection or relocation of witnesses, as well as other formula such as trilateral agreements and/or sponsoring agreements for local or regional protection of victims or witnesses, including by giving appropriate consideration to completion strategies of other international jurisdictions;

f) Exploring ways of cooperation with States Parties and international organizations for the provision of technical assistance in view of setting up national protection programs in situation countries and the examination thereof;

g) Exploring ways to facilitate the use of new types of evidence, including financial information;

h) Exploring possibilities for the Court to conclude agreements, or other arrangements, with States Parties on the issue of provisional release under article 60, paragraph 2, of the Rome Statute, including the possibility for the Court of concluding agreements with States Parties on this issue;

i) Promoting the conclusion of agreements or other arrangements on the enforcement of sentences, including the possibility of concluding trilateral agreements with States Parties that are willing to consider funding requests for the enforcement of the sentence of a convicted person on the territory of another State Party or with international or regional organizations relevant to facilitate sentence enforcement;

j) Exploring synergies between the Court, States and multilateral organizations working in the wider area of the rule of law, so that domestic capacities can be strengthened to prosecute serious crimes of international concern;

k) Preparing the issue of cooperation for the Review Conference, such as examining ways in which the 2007 Report of the Bureau on cooperation², the 2009 Report of the Court on cooperation and the implementation of this resolution, can be used for “stocktaking”;

17. *Encourages* the Bureau to continue to work on cooperation in close coordination with the Court, including the identification of other specific issues that need to be fully explored in the context of cooperation and assistance, *requests* the Bureau to report on significant developments to the Assembly of States Parties at its ninth session and *further requests* the Court to submit an updated report on cooperation to the Bureau in advance of the Review Conference and to the Assembly at its tenth session.

² Report of the Bureau on cooperation (ICC-ASP/6/21).