
Assembly of States Parties

Distr.: General
29 October 2008

ENGLISH
Original: French

Seventh session

The Hague
14 - 22 November 2008

Report of the Bureau on cooperation

Note by the Secretariat

Pursuant to paragraph 40 of resolution ICC-ASP/6/Res.2, of 14 December 2007, the Bureau of the Assembly of States Parties hereby submits its report on the issue of cooperation for consideration by the Assembly.

Report of the Bureau on cooperation

1. Following the adoption on 14 December 2007 by the Assembly of States Parties of resolution ICC-ASP/6/Res.2,¹ the Bureau of the Assembly of States Parties, at its eighteenth meeting on 14 December 2007, approved the appointment of Ambassador Yves Haesendonck (Belgium) as the focal point of the Assembly for cooperation.

2. In accordance with the conclusions of the 2007 Report of the Bureau on cooperation,² which recommend an approach that singles out specific aspects for preferential treatment, the focal point held informal consultations with representatives of States Parties, the organs of the Court, international organisations and non-governmental organisations, with a view to determining priority guidelines for taking forward the work on cooperation.

3. At the fourth meeting of the Hague Working Group, the focal point gave a briefing on the actions undertaken by him. At the resumed sixth session of the Assembly of States Parties in New York on 2 June 2008, the focal point held a public meeting with States. On 4 June, at that same New York session, he took part in an informal meeting with States and non-governmental organisations.

4. The following areas of activity were deemed to be priority matters:

a) **Keeping a register of permanent contact points with diplomatic missions of States Parties in The Hague, Brussels or New York**

5. The designation of permanent contact points reflects, in particular, a response to recommendations 9, 14 and 25 of the 2007 Report of the Bureau on cooperation. The role which these will be able to play as intermediaries between the Court and national authorities (and/or national focal points) will tend to enhance flexibility in the conduct of cooperation between the Court and States.

6. With a view to preparing such a list of contact points, in early June 2008 the focal point wrote to the missions of States Parties in The Hague, and in New York for States not represented in The Hague, asking them to provide him with details of a contact point to be responsible for cooperation matters at their mission in The Hague, Brussels or New York. Just over forty States Parties responded.

7. States Parties who have not yet responded are asked to do so as soon as possible.

8. States which have responded are also asked to ensure that the focal point is informed of any changes.

b) **Development of a framework for action for the adoption of national legislation pursuant to article 88 of the Rome Statute**

9. To this end, after consultation with the facilitator of the New York Working Group for the plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute, a record was compiled, with invaluable support from, in particular, non-governmental organisations from the Coalition for the International Criminal Court, of all available information on the current situation regarding States Parties' adoption of implementing legislation and of legislation on investigation and prosecution, as well as on ratification of the Agreement on the Privileges and Immunities of the Court.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November – 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), part III, resolution ICC-ASP/6/Res.2, annex II.

² ICC-ASP/6/21.

10. This information, which supplements that gathered by the Court, will make it possible to identify more precisely the actions to be undertaken in order to assist States Parties who so desire in drafting their legislation. A seminar is to be organised for this purpose in early October 2008, with the participation, *inter alia*, of the Commonwealth Secretariat, the European Commission, the Committee of the International Red Cross and non-governmental organisations active in this field. The possibility of States Parties providing technical assistance to other States will also be examined.

c) Development of the Court's expertise in financial investigations and freezing of assets

11. This issue, a matter of importance to both the Registry and the Office of the Prosecutor, has been the subject of informal consultations with international organisations and experts. Specific cooperation channels have been identified, and the focal point has arranged for initial contact to be made at the Court. A seminar together with specialised institutions is to be held at the Court within the next few months, in order to discuss action possibilities.

d) Examination of possible forms of assistance regarding witness protection

12. The significant increase in requests for protection over recent years illustrates the need for an in-depth examination of the system currently in place for the protection of witnesses and of the possibilities for assistance at the local and regional levels. Similarly, in regard to witness relocation agreements (the implementation of judgments), it will be helpful to consider what assistance might be given to States Parties in order to enable them to enter into such agreements. An information seminar on the matter is planned for the coming months, with the participation of experts in the area of protection, international organisations, the International Committee of the Red Cross and non-governmental organisations.

e) Organisation of regular contacts at the technical level with the United Nations Secretariat

13. While cooperative links between the two institutions under the current Agreement are generally felt to be operating satisfactorily, it has become apparent that, over and above the periodic high-level visits and multiple contacts on specific issues, cooperation between the Court and the United Nations could be enhanced through the organisation of structured contacts at the technical level between Court officials and United Nations staff members.

14. The resumption, on an annual basis, of such meetings, which have, moreover, been held in the past, is viewed favourably by the relevant departments of the United Nations Secretariat. The next meeting is scheduled, in principle, for the month of January 2009, at a location still to be decided.

Suggested future actions

15. With the actions described above currently being implemented, it is now proposed that new issues related to cooperation be addressed, such as:

- (a) The development, depending on possibilities and circumstances, of closer relations between the Court and other international and regional organisations;
- (b) The examination of means of contributing, within States Parties' administrations and international or regional organisations, to enhanced awareness of the Court and of its activities; and

- (c) The institution, with the assistance of States with experience of cooperation with the Court or with the ad hoc Tribunals, of information exchanges on best practices on cooperation.

16. States Parties are invited to submit to the focal point for cooperation their comments and suggestions regarding future priority actions.

--- 0 ---