

**Concept note by the co-focal points for complementarity
Denmark and South Africa**

Eleventh session of the Assembly of States Parties

1. The Bureau of the Assembly of States Parties has decided that there will be a separate segment to discuss complementarity at the upcoming eleventh session of the Assembly. To that effect, three hours in the morning of **Monday, 19 November, from 10:00 to 13:00 hours**, have been allocated to this item in the plenary of the Assembly.
2. Under this agenda item, the President of the Assembly, Ambassador Tiina Intelmann (Estonia), has invited the Administrator of the United Nations Development Programme (UNDP), Ms. Helen Clark, to give a key note address to the Assembly on complementarity and strengthening national jurisdictions to enable them to deal with the most serious international crimes. In addition to the key note address by the UNDP Administrator, several States Parties, in different stages of conducting national proceedings, have been invited to present their national experiences with investigating and prosecuting Rome Statute-type crimes.
3. Following this segment, there will be an **interactive plenary discussion on complementarity**. All States Parties are strongly encouraged to participate actively in this segment to provide for a universal and broad exchange on this matter. This could include both responses to the key note address and the presentations, as well as statements sharing national experiences. More specifically, these statements could reflect on experiences with national investigations and prosecutions or in providing assistance and cooperation to other States, as well as ensuring the proper functioning of the principle of complementarity in general.
4. Time permitting, observer States, international and regional organizations, civil society and other stakeholders will be invited to contribute to this exchange.
5. An informal summary of the discussion will be made, and should States wish to make complementarity-related pledges or undertake commitments, this will be reflected in the summary. This can also be done in writing.
6. A speakers' list will be opened prior to the Assembly session and **States and other stakeholders wishing to intervene in the discussion should inscribe themselves** on this list.¹ Speakers are requested to limit their interventions to four minutes.
7. In addition, a draft resolution has been prepared and adopted in The Hague Working Group and subsequently submitted to the Bureau for its approval and for subsequent consideration and adoption by the Assembly at a later stage. The draft resolution has been submitted as annex I to the report of the Bureau on complementarity (ICC-ASP/11/24), which also contains a programme for the plenary session (annex II thereof). The draft resolution contains a placeholder to reflect the outcome of the plenary debate, which will be completed after the plenary on complementarity, prior to its adoption.
8. The co-focal points, Denmark and South Africa, encourage States Parties and all other stakeholders to actively participate in the debate and look forward to fruitful deliberations.

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¹ Requests for inscription should be sent to the Secretariat at: aspcplementarity@icc-cpi.int and copied to the co-focal points at: chrnis@um.dk and naidut@dirco.gov.za.