

Reference: ICC-ASP/12/S/012

The Secretariat of the Assembly of States Parties presents its compliments to the Permanent Mission of ...to the United Nations and has the honour to refer to the mandate of the Review Conference to the Secretariat in relation to complementarity, contained in resolutions RC/Res.1, ICC-ASP/9/Res.3, ICC-ASP/10/Res.5 and ICC-ASP/11/Res.6. Furthermore, at its eleventh session, the Assembly, by resolution ICC-ASP/11/Res.6:

“8. ... *requests* the Secretariat to, within existing resources, continue to develop its efforts in facilitating the exchange of information in this regard, including through inviting States to submit information on their capacity- needs for the consideration of States and other actors in a position to provide assistance, and to report on the practical steps taken in this regard to the twelfth session of the Assembly;

The Secretariat wishes to recall that:

“...positive complementarity refers to all activities/actions whereby national jurisdictions are strengthened and enabled to conduct genuine national investigations and trials of crimes included in the Rome Statute, without involving the Court in capacity building, financial support and technical assistance, but instead leaving these actions and activities for States, to assist each other on a voluntary basis.”¹

The reports of the Bureau, the Secretariat and the Court on complementarity, as well as resolutions of the Assembly for the ninth, tenth and eleventh sessions of the Assembly provide background information on the Assembly’s consideration of this topic.²

In light of the mandate referred to above, the Secretariat invites States to submit information on any capacity-building needs in the area of the investigation and prosecution of serious international crimes which they have identified.

States that wish to submit such information are requested to communicate it through the diplomatic channel to the Secretariat of the Assembly of States Parties, Room A-0439, Maanweg 174, 2516 AB The Hague, The Netherlands (or via fax to +31 70 515 8376 or via e-mail to ASPComplementarity@icc-cpi.int). Responses should be received by 31 August 2013, to ensure that they are referred to in the report of the Secretariat.

The Secretariat wishes to indicate that, unless a specific indication is made of the parts of the submission which are to be considered confidential, the information submitted will be made public on the website of the Assembly at:

http://www.icc-cpi.int/en_menus/asp/complementarity/Pages/default.aspx.

The Hague, 12 April 2013

¹ “Report of the Bureau on stocktaking: Complementarity: Taking stock of the principle of complementarity: bridging the impunity gap” (ICC-ASP/8/51), para. 16.

² Report of the Bureau on complementarity (ICC-ASP/9/26, ICC-ASP/10/24, ICC-ASP/11/24; Report of the Secretariat on complementarity: ICC-ASP/10/2, ICC-ASP/11/25; Report of the Court on complementarity: ICC-ASP/10/23, ICC-ASP/11/39). Review Conference and Assembly resolutions: RC/Res.1, ICC-ASP/9/Res.3, para. 47; ICC-ASP/10/Res.5, paras. 58-63; ICC-ASP/11/Res.6