

## SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES

### Concept note by the facilitator for cooperation Ambassador Anniken Krutnes (Norway)

#### Thirteenth 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 cooperation at the upcoming thirteenth session of the Assembly. To that effect, three hours in the morning of **Thursday, 11 December, from 10:00 to 13:00 hours**, have been allocated to this item in the plenary of the Assembly.
2. Based on inputs from various stakeholders, and consultations with the President of the Assembly, the plenary will be divided into two parts. The proposed focus of thematic discussion in the first half of the plenary, scheduled to take place from 10:00 to 11:30, will be **“Cooperation in the field of Sexual and Gender Based Crimes.”** The second part of the plenary, scheduled to take place from 11:30 to 13:00, will focus on discussion on **cooperation in general**.
3. Under this agenda item, five distinguished panellists will share insights on the focus topic of cooperation and Sexual and Gender Based Crimes from their respective perspectives: H. E. Mr. Cheick Sako, Minister of Justice of Guinea; H.E. Ms. Wivine Mumba Matipa, Minister of Justice and Human Rights of the Democratic Republic of the Congo; Ms. Fatou Bensouda, ICC Prosecutor; Mr. Maurice Dibert Dollet, Attorney General of the Central African Republic; and Ms. Susannah Sirkin, Director of International Policy & Partnerships and Senior Advisor for Physicians for Human Rights. Panellists will have approximately 10 minutes each for their first intervention.
4. Following the interventions from the Panel, there will be a **40 minute interactive Q&A discussion on topic of Sexual and Gender Based Crimes**. States Parties are strongly encouraged to participate actively in this segment to provide for a nuanced and broad exchange on this matter. This could include responses to the address given by the keynote speaker, and to interventions from the panellists, who will also take part in the discussions, limited to two minutes.
5. Time permitting, observer States, international and regional organizations, civil society and other stakeholders will be invited to contribute to this exchange.
6. **The second half** of cooperation plenary from 11:30 to 13:00 will allow States Parties time to exchange their **general comments on the topic of cooperation** in interactive discussion. Statements discussing the way forward with regard to cooperation with the Court are encouraged. It is envisaged to allocate 70 minutes to interventions by States Parties and 20 minutes to interventions by non-States Parties, international organizations and civil society.

7. **Two speakers' lists** will be opened prior to the Assembly session and **States and other stakeholders wishing to intervene in the discussions should inscribe themselves** on these lists.<sup>1</sup> **The first list** would be for inscription on **thematic topic of Sexual and Gender Based Crimes** and **the second list** would be for inscription in regards to **general comments on cooperation**. Speakers are requested to limit their interventions to three minutes.

8. An informal summary of the discussion will be made, and should States wish to make cooperation-related pledges or undertake commitments, including voluntary agreements, this will be reflected in the summary. Pledges and undertakings may also be made in writing.

9. In addition, a draft resolution on cooperation is annexed to the report of the Bureau on cooperation (ICC-ASP/13/29, annex I). The draft resolution contains a placeholder to reflect the outcome of the plenary debate, which will be completed after the plenary on cooperation, prior to its adoption.

---

<sup>1</sup> Requests for inscription should be sent to the Secretariat by Monday 8 December 2014 at: [aspnewyork@gmail.com](mailto:aspnewyork@gmail.com), and copied to the following address: [torfinn.arntsen@mfa.no](mailto:torfinn.arntsen@mfa.no).

## **Annex**

### ***Assembly of States Parties to the International Criminal Court, thirteenth session***

#### ***Fifth plenary meeting on 11 December 2014 – Discussion on cooperation***

##### ***Thematic discussion***

The thirteenth session of the Assembly of States Parties on cooperation will focus on the crosscutting topic of cooperation and Sexual and Gender Based Crimes. Ambassador Anniken Krutnes (Norway) will lead the session in her role as facilitator.

### **Rationale**

The Rome Statute of the International Criminal Court (ICC) addresses Sexual and Gender Based Crimes as distinct categories of crimes. The Office of the Prosecutor (OTP) has indicated that it is a key strategic goal for ICC to investigate and prosecute such crimes. In June 2014, the OTP published its Policy Paper on Sexual and Gender-Based Crimes.

The Court has intensified its bilateral interactions with States, regional organizations and the United Nations, highlighting that it would be difficult to fulfil its mandate effectively without securing partnerships for cooperation. In this context, it is worth noting the important UN Security Council thematic resolutions on women, peace and security and on the protection of women and children in armed conflict. Mandates of international and regional organizations, including the UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC), UN Women, UNDP and UNODC provide a basis for enhanced cooperation between the Court and the international community in ending impunity and protection of victims of and witnesses to such crimes. Civil society, including women's organizations, continue to play a pivotal role in addressing the needs of witnesses and victims of Sexual and Gender Based Crimes.

The purpose of selecting this topic for the plenary session is to identify and enhance the understanding of specific challenges regarding cooperation between the ICC and relevant stakeholders in fighting impunity and providing accountability for Sexual and Gender Based Crimes. Thus, the purpose is not to prioritize between different categories of situations or persons in the cooperation between States and the ICC.

### **Specific challenges regarding the investigation and prosecution of Sexual and Gender Based Crimes**

In addition to general challenges faced by the Court, such as those related to conducting investigations in conflict situations, investigating Sexual and Gender Based Crimes presents its own specific challenges. These include:

- under-reporting or non-reporting of attacks owing to societal, cultural, or religious factors;
- stigma attached to the victims;
- limited domestic investigations, and the associated lack of readily available evidence;
- lack of forensic or other documentary evidence, owing, *inter alia*, to the passage of time;

- inadequate or limited support services at the national level, including regarding assistance and protection for witnesses and victims of these crimes;
- lack of, or inadequate, domestic criminalization of Sexual and Gender Based Crimes.

### **Enhancing accountability for Sexual and Gender-Based Crimes through cooperation**

Effective cooperation is crucial for the Court to be able to carry out its mandate. In the context of its investigations, the OTP will require effective cooperation from national authorities in order to gather sufficient evidence to prove the commission of Sexual and Gender-Based Crimes in specific situations. In this sense, it is essential for the OTP to have secure access to, inter alia, specific documentation, reliable forensic evidence and witness and victim testimony.

In the conduct of its activities, it is essential for the Court to rely on national programmes and services that can facilitate the investigative work of the OTP. Appropriate national programmes can also help overcome the stigma pertaining to such violations and mitigate the risks involved in reporting this type of crime.

Furthermore, as per article 88 of the Rome Statute, it is important to address efforts aimed at reinforcing the national normative framework, regarding cooperation with the Court, of the Rome Statute for the accountability of Sexual and Gender Based Crimes. These include provisions for effective cooperation with the Court, including for the execution of arrest warrants, procedures that protect the interests of victims and facilitate the effective investigation and prosecution of such cases by the Court, and strengthened political support to create a safe environment for reporting such crimes to the Court.

\* \* \*