

Concept note and programme

Cooperation plenary session for the fifteenth session of the Assembly of States Parties

Effective cooperation and accountability for Rome Statute crimes: the contribution of national, regional and intergovernmental initiatives

As designed by the founders of the Rome Statute, the ICC is a court of last resort, with national States having the first responsibility to act in the fight against impunity. Moreover, States decided that the Court would not have enforcement powers of its own; rather, the States Parties have the responsibility to support the ICC's judicial and prosecutorial functions by providing concrete cooperation at all stages of the Court's activities.

In past years, many initiatives at the global, regional and national levels have been developed, seeking ways to increase the reach of the international criminal justice to those committing atrocity crimes, or cooperating in investigations with interconnected crimes, such as financial crimes, transnational crimes or terrorism. Such increased efforts to end the most serious crimes of concern to the international community are a welcome development. At the same time, there is a risk of overlap and disconnect between initiatives.

The Assembly's 66 recommendations on cooperation highlight the importance of Inter-State cooperation in the context of the Rome Statute system (point 7 from the flyer):

- *While concrete cooperation requests are usually addressed by each State individually, helping the ICC to fulfil its mandate is the collective responsibility of the community of States Parties. Progress on many of the concrete steps discussed above will benefit from further exchanges of experience and mutual assistance where appropriate between States, the Court and other relevant partners, including civil society.*

The aim of the cooperation plenary session at the 15th session of the ASP is to increase awareness of various initiatives taking place either at the national, regional or international level, and to examine how they are contributing to the effective cooperation and investigation and prosecution of Rome Statute Crimes. The session would also look into possibilities in further developing cooperation and coordination platforms that will increase the benefits and opportunities that such networks present, such as joining investigative efforts, sharing of information and evidence, triggering investigations and so on.

The plenary session would also look into challenges that such initiatives and cooperation efforts face, for example in the area of political will or lack of capacity, and how this could be overcome.

Format (3 hours total):

Interactive panel consisting of seven speakers representing different regions and backgrounds: the Court, international organisation, regional organisation, national authority, civil society (1,5 hours)

Followed by an interactive segment where participants can present questions or brief statements on their efforts in this area (1,5 hours)

Programme

Speaker and topic
Introductory remarks <i>Ambassador Paul Wilke (Cooperation co-facilitator) and panel moderator Mr. Arie IJzerman (Deputy Director General for the Administration of Justice and Law Enforcement- the Netherlands)</i>
Strategic Goal 9 of the ICC Office of the Prosecutor: a coordinated investigative and prosecutorial strategy to close the impunity gap <i>Mr. Fatou Bensouda, Prosecutor, ICC</i>
A State's perspective: joints efforts undertaken to support the Libyan's efforts towards accountability <i>Mr. AlSidiq Ahmed Al-Sour, General Prosecutor and Head of Investigation Department, Libya</i>
Judicial and prosecutorial networks: the challenges and opportunities <i>Ms. Michèle Coninsx, President, Eurojust</i>
Cooperation in investigating missing persons cases linked to war crimes and other atrocity crimes <i>Ms. Kathrynne Bomberger, Director General, International Commission for Missing Persons (ICMP)</i>
The need to strengthen coordinated efforts towards effective cooperation with the ICC (financial investigations, witness protection, arrest and surrender) <i>Mr. Herman von Hebel, Registrar, ICC</i>
The UN Office of the High Commissioner for Human Rights on the ground in the CAR: examples of cooperation and concerted efforts to close the impunity gap in an ICC situation country <i>Mr. Musa Yerro Gassama, Director of the Human Rights Division of MINUSCA, UNOHCHR.</i>
The role of civil society and first responders in contributing to enhanced accountability <i>Mr. Antoine Bernard, Director-General, Fédération Internationale de Droits de l'Homme (FIDH)</i>
Moderator's summary of first segment
Interactive segment – open floor for States Parties
Concluding remarks by the moderator