

Reference: ICC-ASP/15/PA/38

The Secretariat of the Assembly of States Parties presents its compliments to the States Parties to the Rome Statute of the International Criminal Court and has the honour to refer to Assembly resolution ICC-ASP/5/Res.3 of 1 December 2006, by which the Assembly decided, *inter alia*, to adopt and implement the Plan of action for achieving universality and full implementation of the Rome Statute (see annex I), as well as to subsequent resolutions whereby the Assembly endorsed the recommendations contained in the respective reports of the Bureau on the Plan of action and requested the Bureau to continue to monitor its implementation and to report thereon to the Assembly at the subsequent session.

The Secretariat wishes to recall, in particular, paragraph 6, sub-paragraph (h), of the Plan of action, whereby the Assembly called upon States Parties to provide to the Secretariat information relevant to promotion of the ratification and full implementation of the Rome Statute, including, *inter alia*:

- (a) information on obstacles to ratification or full implementation facing States;
- (b) national or regional strategies or plans of action to promote ratification and/or full implementation;
- (c) technical and other assistance needs and delivery programmes;
- (d) planned events and activities;
- (e) examples of implementing legislation for the Rome Statute;
- (f) bilateral cooperation agreements between the Court and States Parties;
- (g) solutions to constitutional issues arising from ratification; and
- (h) national contact points for matters related to promotion of ratification and full implementation.

In accordance with paragraph 7 of the Plan of action, the Assembly agreed that the Secretariat “should support States in their efforts to promote universality and full implementation of the Rome Statute by acting as a focal point for information exchange, within existing resources, including by:

- (a) Collecting and collating relevant information from States Parties, regional organizations, members of the non-governmental community and others engaged in promoting universality and full implementation of the Rome Statute; and
- (b) Ensuring that such information is readily and widely accessible and disseminated to interested States and others.”

The Secretariat therefore requests that States Parties convey, preferably by 23 September 2016, the information referred to in paragraph 6, sub-paragraph (h), of the Plan of action and annex II hereto, or submit updated information, where applicable.

Furthermore, as regards the measures undertaken in respect of implementing legislation, the Secretariat conveys herewith a questionnaire, prepared by the Court (see annex III), and requests States Parties to complete it, or submit updated information as appropriate, together with the information referred to above.

The Secretariat wishes to note that information submitted will be made public, unless a specific indication is made of the parts of the submission which are to be considered confidential.

This information should be communicated through the diplomatic channel to the Secretariat of the Assembly of States Parties, Oude Waalsdorperweg 10, 2597 AK The Hague, The Netherlands (or via fax to +31 70 515 8376 or via e-mail to asp@icc-cpi.int). If feasible, the Secretariat would appreciate receiving digital versions of the information.

The Hague, 31 May 2016

Annex I

Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court¹

A. Objectives

1. Universality of the Rome Statute of the International Criminal Court is imperative if we are to end impunity for the perpetrators of the most serious crimes of international concern, contribute to the prevention of such crimes, and guarantee lasting respect for and enforcement of international justice.
2. Full and effective implementation of the Rome Statute by all States Parties is equally vital to the achievement of these objectives.

B. States Parties

3. States Parties have the primary responsibility for promoting the objectives set out in paragraphs 1 and 2 above. States should make full use of the political, financial and technical means at their disposal to continue and strengthen their efforts to achieve these objectives.
4. To this end, States Parties should proactively promote universality and full implementation, including through bilateral and regional relationships, such as by developing initiatives that focus on neighbouring States and on the regions, subregions or other groupings to which they belong, as well as on the particular obstacles faced by those States, regions, subregions or groupings.
5. In addition, States Parties should deepen their own commitment to the Court and to the Rome Statute so as to ensure a strong, effective and efficient institution and thereby encourage other States to join.
6. States Parties' efforts should include:
 - (a) Direct political and other contacts with relevant States, regional groups or regional organizations with the objective of fostering political will and support for ratification and full implementation of the Rome Statute;
 - (b) Where appropriate, efforts to seek an agenda item on the Court in any bilateral contacts, including at the highest levels, with non-States parties;
 - (c) Ratification and full implementation of the Agreement on the Privileges and Immunities of the International Criminal Court and encouragement of its ratification and implementation by other States not yet parties to the Agreement;
 - (d) Providing technical or financial assistance to States wishing to become Parties to the Rome Statute as well as to States and other entities wishing to promote its universality;
 - (e) Convening and supporting seminars, conferences and other national, regional or international events aimed at promoting ratification and full implementation of, and support for, the Rome Statute;
 - (f) Wide dissemination of information about the Court and its role, including by giving consideration to inviting representatives of the Court or the Secretariat of the Assembly of States Parties to address national, regional and international events;
 - (g) Identification of a national contact point for matters related to promotion of the ratification and full implementation of the Rome Statute;

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November to 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part III, resolution ICC-ASP/5/Res.3, annex I.

(h) Providing to the Secretariat of the Assembly of States Parties (“the Secretariat”) information relevant to promotion of the ratification and full implementation of the Rome Statute, including, inter alia:

- (i) Information on obstacles to ratification or full implementation facing States;
- (ii) National or regional strategies or plans of action to promote ratification and/or full implementation;
- (iii) Technical and other assistance needs and delivery programmes;
- (iv) Planned events and activities;
- (v) Examples of implementing legislation for the Rome Statute;
- (vi) Bilateral cooperation agreements between the Court and States Parties;
- (vii) Solutions to constitutional issues arising from ratification; and
- (viii) National contact points for matters related to promotion of ratification and full implementation.

(i) Full and effective implementation of the Rome Statute, including the duty to cooperate fully with the Court. To this end, any State facing difficulties with ensuring full implementation should identify its assistance needs promptly with a view to obtaining appropriate technical and/or financial assistance;

(j) Active participation in and support for the meetings and activities of the Assembly of States Parties and its subsidiary bodies, in order to, inter alia, promote attendance at Assembly meetings by other States Parties and those not yet parties.

C. Secretariat of the Assembly of States Parties

7. The Secretariat should support States in their efforts to promote universality and full implementation of the Rome Statute by acting as a focal point for information exchange, within existing resources, including by:

- (a) Collecting and collating relevant information from States Parties, regional organizations, members of the non-governmental community and others engaged in promoting universality and full implementation of the Rome Statute;
- (b) Ensuring that such information is readily and widely accessible and disseminated to interested States and others.

D. Assembly of States Parties

8. The Assembly, through its Bureau, should keep this plan of action under review, including by monitoring the status of ratifications of the Rome Statute, developments in the field of implementing legislation, and the range of obstacles to ratification and full implementation faced by States.

Annex II

Recommendations of the Bureau on the Plan of Action for achieving universality and full implementation of the Rome Statute of the International Criminal Court¹

In general there is a need for further sustained efforts in promoting the universality and full implementation of the Rome Statute. Many activities are already being undertaken on an ongoing basis, and the scope for better coordination and identification of possible synergies should be explored further. Enhanced use of ICT and social media could play an important role in this regard, in particular when reaching out to academia and students. Against this background the following recommendations are made:

A. To the Assembly of States Parties

1. To continue to monitor closely the implementation of the Plan of action.

B. To the States Parties

2. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in their bilateral, regional and multilateral relationships, including enhancing the cooperation between international and regional organizations and the Court;
3. To continue their efforts to disseminate information on the Court at the national, regional and international level, including through events, seminars, publications, courses and other initiatives that may raise awareness about the work of the Court;
4. To continue to provide the Secretariat with updated information relevant to the universality and full implementation of the Rome Statute, including current contact information on national focal points;
5. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in collaboration with civil society, academia, international organizations and professional organizations;
6. To organize, in conjunction with civil society, academia, international organizations and professional associations seminars, panel discussions and events focusing on promoting the universality and full implementation of the Rome Statute, in New York, in The Hague and in different regions, and to disseminate information about the Court's work and the provisions of the Rome Statute;
7. To continue to provide, wherever possible, technical and financial assistance to States wishing to become Party to the Statute and to those wishing to implement the Statute in their national legislation;
8. To provide financial and/or other supports, wherever possible, to civil society, academia, international organizations and professional associations that provide technical assistance to overcome the challenges to ratification and implementation identified in this report;
9. To continue to contribute to the Trust Fund for Least Developed Countries and other developing States to promote the attendance of non-States Parties to the sessions of the Assembly; and
10. To continue to cooperate with the Court so that it can fulfill its functions accordingly.

¹ Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court (ICC-ASP/14/31), section IV.

C. To the Secretariat of the Assembly of States Parties²

11. To continue to support States in their efforts to promote the universality and full implementation of the Rome Statute by acting as a focal point for information exchange and by making available updated information on this matter, including on the website of the Court;

12. To compile information on all available resources and potential donors, and post it on the Court's website for easy access by States; and

13. To prepare a matrix to serve the purpose of enhanced information sharing between potential recipients and donors of technical assistance.

² These recommendations are to be implemented in line with the ongoing review of the working methods of the Assembly by the Bureau as contained in ICC-ASP/12/59 and endorsed by the Assembly in resolution ICC-ASP/12/20 para. 41.

Annex III

Implementing legislation questionnaire for States Parties¹

1. Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”), or otherwise enacted legislation pertaining to the Rome Statute?

IF NOT

Part A

2. What legislative or other efforts, if any, has your Government taken or initiated to implement the provisions of the Statute into national law?

3. What obstacles, if any, has your Government faced in its efforts to implement the provisions of the Statute? Has your Government managed to overcome such obstacles, and if so, how?

4. What form of assistance would benefit or has benefitted your Government’s efforts to implement the Statute?

IF YES

Part B

5. In implementing the Statute, did your Government draft a stand-alone legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes into domestic law?

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court² and if yes, how?

(a) Arrest and surrender;

(b) Interim release and release of persons (acquittal, non-confirmation of charges, etc);

(c) Cooperation with OTP investigations;

(d) Cooperation with the Court on the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes;

(e) Enforcement of sentences;

(f) Witness protection;

(g) Other forms of cooperation (see in particular article 93 of the Rome Statute).

8. Does the implementing legislation designate a channel of communication with the Court?

9. Does the implementing legislation create a central national authority or designate a national focal point for cooperation with the Court?

10. Does the implementing legislation provide for the privileges and immunities of the Court? (See in particular article 48 of the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court)

11. What obstacles, if any, did your Government face in its efforts to implement the provisions of the Statute? How did your Government manage to overcome such obstacles?

12. Did your Government benefit from any form of assistance in the process of implementing the Statute?

¹ The questionnaire was prepared by the Court.

² The list covers a broad range of issues that do not necessarily fall under Part 9 of the Statute and can be the subject of bilateral agreements.

13. Has your government initiated or considered additional steps for the implementation of the Statute in national legislation?
