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Report of the Court on cooperation

I. Introduction

1. This Report on Cooperation is submitted by the International Criminal Court (“ICC” or “Court”) pursuant to paragraph 32 of resolution ICC-ASP/15/Res.3 (“2016 resolution on cooperation”). It covers the period of 2 September 2016 to 1 September 2017.¹
2. Similar to the Court’s 2014, 2015 and 2016 cooperation reports², this report is meant to provide an update on the different cooperation efforts undertaken by the Court with the support of States and other stakeholders during the reporting period.
3. This report should be read in conjunction with the latest ICC annual report on activities to the UN (A/72/349), providing information on the Court’s recent cooperation with the United Nations (“UN”), including with UN peacekeeping missions and other UN presences in the field, as well as the UN Security Council.
4. The Court also recalls its analytical reports on cooperation matters, notably its general 2013 cooperation report³ and its specific 2013 report on cooperation between the Court and the UN,⁴ as useful sources of information regarding the key cooperation needs of the Court which remain valid to date.
5. Finally, the Court also notes the continued relevance of the 66 recommendations on cooperation adopted by States Parties in 2007,⁵ as well as the flyer that was produced by the co-facilitators of the working group on cooperation in 2015 in collaboration with the Court in order to promote the 66 recommendations and increase understanding and implementation of them.
6. Indeed, the Court strongly believes that both documents continue to form an important basis for cooperation discussions and efforts, including making the assistance to the Court more efficient and effective. The Court therefore welcomed the decision of the Assembly of States Parties (“Assembly” or “ASP”) to request the Bureau “through its Working Groups, to continue its review of the implementation of the 66 recommendations, in close cooperation with the Court, where appropriate”.⁶
7. During the reporting period, the Court had the opportunity to continue to engage with States Parties on its cooperation priorities and challenges, as well as to brief them regularly on its ongoing efforts aimed at advancing these. In this context, the Court

¹ Certain information is not provided in this report in order to respect the confidentiality of a number of investigative and prosecutorial activities by the Office of the Prosecutor, as well as decisions and orders by the Chambers.

² ICC-ASP/13/23, ICC-ASP/14/27 and ICC-ASP/15/9.

³ ICC-ASP/12/35.

⁴ ICC-ASP/12/42.

⁵ Resolution ICC-ASP/6/Res.2, annex II.

⁶ ICC-ASP/15/Res.3, para. 27.

expresses its gratitude to the co-facilitators of the working group on cooperation, H.E. Ambassador Momar Diop (Senegal) and H.E. Ambassador Philippe Lalliot (France), and their respective teams, for their commitment and efforts.

8. This report from the Court is intended to:

(a) Update the core building blocks of international cooperation and judicial assistance identified in the 2016 report, as necessary prerequisites for an effective cooperation framework as foreseen in the Rome Statute;

(b) Provide an update on the efforts undertaken by the Court during the reporting period, in line with its inter-organ external relations and cooperation strategies, in order to enhance cooperation; and

(c) Provide the Court's contribution to the 66 recommendations review, identifying specific key challenges and recommendations for a way forward for each cooperation priority, as identified in the 66 recommendations flyer, based on the Court's experience and lessons learned in the past 15 years of operation.

II. Update on the building blocks of international cooperation and judicial assistance under the Rome Statute system: a combination of efforts and partners to enhance the enforcement of the Rome Statute

9. The Court recalls that, when ratifying or acceding to the Rome Statute, States make a sovereign decision to accept the obligation to implement the general principles contained in the Rome Statute at the national level as well as to cooperate effectively with the Court in its work; the modalities of such cooperation (channels of communication, central authority, etc.) are to be determined by the State and a level of flexibility exists, within the limits of Part 9 of the Statute.

10. What is essential is that the cooperation and judicial assistance provided by States Parties to the different organs of the Court on the basis of Part 9 of the Rome Statute is timely and effective, allowing the Court's investigative, prosecutorial and judicial machinery to properly function.

11. Based on its 15 years of existence, as well as drawing from the experiences of the *ad hoc* tribunals, the Court identified several factors, or "building blocks", that contribute to making the cooperation framework established by Part 9 effective and efficient. These blocks were first outlined in the Court's 2016 report on cooperation, which is to be read in conjunction with this part of the report, and are listed anew, in a non-exhaustive manner, here below.

A. The importance of implementing Part 9 of the Rome Statute into national legislation

12. Adequate implementing legislation at the national level, including through integration of the relevant provisions from Part 9 of the Rome Statute into national legislation, greatly facilitates the cooperation.

13. In this regard, the Court wishes to reemphasise that according to Parliamentarians for Global Action ("PGA"), to date, still less than half of the 124 States Parties have adopted legislation in order to implement the cooperation obligations provided for in Part 9 of the Rome Statute.

14. The Court calls on States and other stakeholders to continue undertaking efforts aimed at ensuring adequate implementing legislation at the national levels. Clear procedures and distribution of roles and responsibilities at the domestic level will help governments ensure that they can expeditiously respond to requests for assistance coming from the Court without any undue delay and that they can also investigate and prosecute ICC crimes before their national jurisdictions as relevant.

15. Further, to adopt the necessary national legislation regarding cooperation with the Court guarantees that the actors involved (governmental agencies, but also witnesses, victims and suspects) have legal certainty on the way the different requests for assistance from the Court will be treated.

16. Finally, the clear definition of a legal basis for cooperation between the Court and States Parties helps to avoid instances where a country is not capable of addressing a specific request for assistance, thus hindering the execution of the mandate of the Court.

17. The Court would like to highlight here the important work being made by PGA, which has developed reference laws of implementing legislation in French and Spanish, and has been working with parliamentarians and government officials in different States Parties to promote the necessary implementation of Part 9. The Court also refers States to the “International Criminal Law Guidelines on Implementation of the Rome Statute of the International Criminal Court” developed by the Case Matrix Network, which provides an overview of the different legislations adopted by over 100 States in implementing the provisions of the Rome Statute, as well as a checklist in order to guide the implementation process at the national level.

B. The importance of enacting effective cooperation procedures and structures

18. During the reporting period, the cooperation needs of the Court have continued to grow, due notably to the increase in its investigative, prosecutorial and judicial activities, as well as the complexities of the situations and challenges the Court deals with. The Registry transmitted 275 requests for cooperation to States and international organisations on behalf of the Chambers, on behalf of the Defence or on its own account⁷.

19. The Office of the Prosecutor (“OTP” or “Office”) sent out over 410 primary requests for assistance to 68 different partners, including States Parties, non-States Parties, and international and regional organisations during the reporting period. During the same period, the Office also received 21 requests for judicial assistance from States, which represents an increase of more than 61 per cent compared to the last reporting period, as well as numerous requests for expertise, training and operational advice. This increase, which has been steadfast in recent years, shows the growing integration, legitimacy and relevance of the Court in a wider network of international criminal justice actors and the Office’s increased efforts in triggering judicial action by national judicial authorities and developing mutually reinforcing judicial strategies, as outlined in the OTP Strategic Plan for 2016-2018.

20. As foreseen in article 87 of the Rome Statute and as recalled in recommendations 7 and 8 of the 66 recommendations, the availability of channels of communication and simplified domestic procedures for dealing with ICC cooperation requests, as well as coordination and information sharing between national authorities dealing with Court cooperation requests, are of great importance for the Court, and have also been reaffirmed as a constructive step on several occasions by the Assembly. Indeed, the Court recalls that such national mechanisms allow the Court to interact with the person(s) that have the relevant knowledge and experience to address judicial cooperation requests, the experience of facilitating exchanges and mainstreaming issues within and across government institutions and the capacity to undertake relevant consultations. They also allow for the Court requests to be answered in an expeditious and effective manner. The Court’s direct access to national experts where possible and the sharing of information and experiences between those national experts, is all the more important as the Court – notably the OTP – continues to develop and extend its areas of cooperation, for example to be able to access new types of evidentiary sources, such as those relating to information technology. Certain national authorities may already have significant experience in particular areas of cooperation.

⁷ This number does not reflect notifications of judicial documents, missions and requests concerning the signature of voluntary cooperation agreements.

21. The Court therefore highly values efforts to enhance the coordination and the mainstreaming of its cooperation needs within and across national authorities. In this regard, the Court appreciates the efforts undertaken in the context of The Hague Working Group (“HWG”) facilitation on cooperation regarding the feasibility of the establishment of a coordinating mechanism of national authorities dealing with cooperation with the Court.

C. The importance of concluding cooperation agreements with the Court to reinforce and complement Part 9 cooperation

22. The Court continues to underline the importance of voluntary cooperation agreements - negotiated bilateral agreements between the Court and States Parties in the areas of witness relocation, (interim) release, and enforcement of sentences - as essential tools for regulating successful cooperation, particularly under Parts 9 and 10 of the Rome Statute.

23. States Parties have a significant legal and financial interest in ensuring appropriate and timely cooperation with the Court. They have long recognised the importance of effective and efficient trials and due process, the responsibilities of the Court in maintaining the highest standard for the rights of the Defence and the guarantees that need to be given to other parties and participants. They have also long realised the risk of additional trial costs that would come with delays in the delivery of State cooperation or when cooperation cannot be secured.

24. The existence of cooperation agreements increases legal certainty both for States Parties and for the Court. Without prejudice to Rome Statute provisions, they acknowledge where States Parties retain specific decision-making power, and establish clear procedures about how that power is exercised in relation to their obligations to the Court, including clear channels for communication on specific issues.

25. They provide a vehicle for States to share knowledge, expertise, and good practices, thus contributing to capacity-building efforts and related initiatives both at the ICC and at the national level. As a result, an increased mutual understanding of the ICC’s operational needs and the States’ own internal organisation and legal regime is achieved.

26. Finally, the conclusion of cooperation agreements is a concrete demonstration of the States Parties’ commitment to the Court and its mandate, and encourages other States Parties to make similar commitments, strengthening the legal and logistical network supporting successful investigations and prosecutions, and related Court activities.

27. Concerning **witness relocation**, article 68(1) of the Rome Statute stipulates the responsibility of the Court to protect the safety, and physical and psychological well-being of victims and witnesses. Protection measures provided to the victims and witnesses should always be proportionate to the urgency and seriousness of the threat. One of the ways to protect victims or witnesses who are at high risk is to relocate them away from the source of threat. This relocation can be permanent or temporary, depending on the personal circumstances of the person relocated or when host States are only able to accommodate the victim or witness for a limited period of time. Relocations can be achieved through *ad hoc* arrangements or witness relocation agreements. More specifically, the Registrar, on behalf of the Court, may enter into negotiations with States in order to secure agreements on the provision of relocation and support services for victims and witnesses. As relocation entails a high level of intrusiveness in the lives of victims and witnesses and their close families, less drastic protection measures need to be considered before deciding on relocation. Therefore, international relocations are only warranted in a very limited number of cases. Witness testimonies account for a significant amount of evidence presented before the Court. Consequently, witnesses play an important role and provide key contributions to the fairness of the trial process. For witnesses who are at grave risk, relocation can be crucial in reducing the level of risk to them, ensuring their protection, and ultimately enabling them to testify. The ability of the Court to exercise its mandate is intrinsically connected to the provision of effective protection to the victims and witnesses. In other words, without clear assurances that victims and witnesses will be protected, the appearance of witnesses may be delayed and the trial process may be disrupted.

28. The possibility to request **interim or conditional release** is an essential right of the suspects and accused, and its effective exercise and implementation require that States sign agreements in order to facilitate these processes, at all relevant stages of the proceedings, including following an acquittal.

29. The consequences of the absence of States Parties' willingness to accept released persons are serious. For example, individuals who cannot be successfully relocated may remain *de facto* detained, despite having benefited from a judicial decision releasing them. In this respect, other international criminal tribunals such as the International Criminal Tribunal for Rwanda, have encountered difficulties finding States willing to accept acquitted persons on their territory. In addition to the deleterious impact such a situation would have on the released person, it prevents the Court's system from functioning and runs counter to the Court's objective of applying the highest international standards.

30. In the case that the Pre-Trial or Trial Chamber grants a person with interim release, in order for it to be effective, the Court must rely on States Parties and their willingness to accept the person on their territory. If States Parties are unwilling to do so, this could hamper the possibility of interim release or render it impossible.

31. Unlike other cooperation agreements, Part 10 of the Rome Statute, in particular in its article 103, and Chapter 12 of the Rules of Procedure and Evidence, specifically rule 200(1)(5), comprehensively set out the legal provisions governing the **enforcement of sentences**. Hence, the parameters of these agreements are closely based on a pre-existing statutory framework to which all States Parties have already consented.

32. The process applicable to such agreements is twofold:

(a) First, when entering into an Agreement on the Enforcement of Sentences with the Court, a State must indicate its general willingness to accept sentenced persons. Such a bilateral agreement provides all the legal provisions governing the enforcement of sentences. A Model Enforcement Agreement facilitates this drafting process, bringing together all the relevant provisions of the Rome Statute system and drawing on the experience of the *ad hoc* tribunals. The State may attach conditions to its willingness to enforce sentences, which the ICC Presidency may accept or not, depending on their compatibility with the Rome Statute. Once an agreement on the enforcement of sentences is reached and enters into force, the State is added to the Court's list of States willing to accept sentenced persons;

(b) The second phase can only take place once a judgment against a sentenced person has become final, in other words, not subject to any further appeal. At this stage, the Presidency may designate where the sentenced person will serve the sentence by selecting a specific State from the Court's list.

33. In making this choice, the Presidency will consider relevant factors, including the principle of equitable distribution, the views and nationality of the sentenced person, and the application of widely accepted international treaty standards governing the treatment of prisoners.

34. The conclusion of such agreements is a high priority as an increasing number of proceedings before the Court approach the enforcement phase. A wider list of willing States is necessary to ensure greater equitable distribution as well as greater flexibility, enabling the Court to take fully into account the cultural or family background or other relevant links of the sentenced person when designating a State of enforcement.

D. The importance of consistent political and diplomatic support for the Court

35. The Court continues to underline the importance of political and diplomatic support, not only as critical factors to enhance cooperation *stricto sensu*, but also to advance a better understanding of the Rome Statute system of international criminal justice, to create greater awareness of the Court's work and mandate, and to ensure the protection of the integrity of the Rome Statute.

36. As the Court operates today in highly sensitive and complex situations, where many interests are at play, it believes it is crucial, for its legitimacy and also for its efficiency in carrying out its judicial and prosecutorial activities, to create a framework of public and diplomatic support for the Court and the Rome Statute system, strong enough to ensure that States Parties that are under a legal obligation to cooperate with the Court but face challenges in doing so because of political, economic, security or capacity-related matters, do not have to carry alone the pressure that could result from these situations.

E. The importance of mainstreaming ICC mandate and issues within judicial assistance and law enforcement networks in order to exchange information and strengthen capacities

37. The capacity of the Court to fulfil its mandate, in particular with regard to the investigations conducted by the OTP and its capacity to identify and obtain access to relevant evidence, as well as the financial investigations conducted by both the OTP and the Registry in coordination with each other, is greatly facilitated by its inclusion in relevant law enforcement and other practitioners' networks active around the world.

38. Identifying early enough where there might be information on crimes relevant to the ICC mandate and other connected crimes, since ICC crimes do not happen in isolation from other types of criminality, or on incidents or individuals of interest to the OTP investigations, is of crucial importance for it to conduct and facilitate its evidence collection. The smooth and diligent exchanges of information, best practices and expertise that comes with being involved and active in such networks is crucial to the success of the Court. It is also, as experience shows, an important tool for States' judicial authorities to be better aware of our work and able to assist and to be in a position to themselves request and obtain assistance from the Court in return.

39. The OTP efforts aimed at contributing to such coordination platforms and at sharing information - where possible within its legal framework, - has started to make important inroads, in particular in furtherance of its Strategic Goal 9, aimed at reducing, in collaboration with partners, the prevailing impunity gap.⁸

F. Arrest and surrender

40. At this time, 15 individuals against whom arrest warrants have been issued are still at large. Whilst the ICC will not be able to fully exercise its mandate without arrests, as trial proceedings cannot take place without accused persons, ultimately the victims are the ones who suffer most. The Court therefore appreciates any efforts and strategies devised by States Parties to work towards ensuring the timely arrest and surrender of those individuals at large.

41. The Court, while limited in its means, is nonetheless doing its part. For example, increased coordinated efforts between the OTP and the Registry have been undertaken by creating an inter-organ working group on arrest strategies, which meets regularly and has developed a practice of joint cooperation strategies and missions to foster arrest of ICC fugitives. The working group has also created a joint email address to which information regarding the travel of persons subject to a warrant of arrest can be sent directly.

42. Indeed, the Court welcomes receiving information regarding the potential travel of suspects at large, and information on the outcomes of demarches conducted by all other relevant actors.

III. Update on the Court's efforts to increase cooperation

43. Thanks to the financial support of the European Commission ("EC"), as well as contributions from the *Organisation Internationale de la Francophonie*, Kingdom of the Netherlands and Kingdom of Norway, the Court was able to organise 10 seminars, events

⁸ See e.g. the presentation by Prosecutor Bensouda to the ASP Cooperation Plenary 2016, https://asp.icc-pi.int/iccdocs/asp_docs/ASP15/COOP/ICC-ASP15-COOP-PD-PANEL-Prosecutor-ENG.pdf.

and trainings to achieve greater cooperation of States with the ICC; broaden understanding of the ICC and Rome Statute amongst key stakeholders and contribute to universality; and reinforce national capacities to deal with crimes under the Rome Statute, particularly in countries related to situations before the ICC.

44. These events brought together over 400 participants from over 80 States and non-States Parties to the Rome Statute, as well as legal professionals, international and regional organisations, NGOs and academia.

45. These events included:

(a) Two high-level cooperation seminars, in Trinidad and Tobago in January 2017, targeting the Caribbean countries, and in the Republic of Korea in April 2017, targeting Asia and Pacific States;

(b) One seminar on cooperation with the focal points of the situation countries and other countries in the region, in September 2016, in The Hague;

(c) Four expert seminars, on cooperation agreements and witness protection, in Trinidad and Tobago and in The Hague;

(d) The fifth retreat between the ICC and African States Parties, in Addis Ababa, in December 2016;

(e) A side-event on the ICC in the margins of the 48th Pacific Islands Forum Meeting, in Samoa, early September 2017; and

(f) And the annual training for ICC Counsel, in June 2017, in The Hague.

46. All these engagements provided the ICC with further opportunity to systematically raise its key priorities in terms of cooperation with the relevant States.

47. Notably, the high-level regional seminars - with the Caribbean States in Port of Spain, Trinidad and Tobago, in January 2017, as well as with Asia and Pacific States, in Seoul, in April 2017 - put the focus on key regions and States that had demonstrated an interest in discussing cooperation agreements. At the seminar in Trinidad and Tobago, with support from the host State, a separate one-and-a-half-day expert symposium on witness protection was organised, bringing together experts from all States of the Caribbean Community (“CARICOM”), and allowing for a frank and detailed conversation on the issue of witness protection and witness relocation agreements. Further efforts to reinforce cooperation regarding witness protection and witness relocation were developed thanks to expert seminars based in The Hague.

48. The expert Seminar on Cooperation Agreements organised for the first time in November 2016 was attended by representatives from 20 selected States, as well as representatives of countries that have cooperation agreements with the Court, practitioners with experience of implementing them, relevant staff members from the Court and other international tribunals, a representative of the International Criminal Court Bar Association, and capacity building experts. The Seminar was the first of its kind and offered an excellent opportunity to engage strategically on this issue, better understand challenges at the national level and, where possible, offer concrete solutions. The inclusion of States that had successfully implemented such agreements with the Court provided a showcase for best practices to be further explored by States still contemplating such engagement. The seminar on cooperation with the focal points of the situation countries and other countries also provided an important opportunity to further discuss this matter.

49. The Court is also thankful to the co-facilitators on cooperation for providing it with the opportunity to further engage the HWG on this issue, as well as to give it a forum to launch its booklet on cooperation agreements, which serves as a clear and comprehensive overview of the subject, and aims at helping State representatives to more effectively mainstream the issue in national discussions.

50. During this reporting period, the Kingdom of Sweden and the Argentine Republic signed agreements on the enforcement of sentences, and one additional State has signed a relocation agreement. The Court is encouraged by these developments, and will continue to strive to increase these numbers in the coming years.

51. One of the Court's cooperation priorities during the reporting period was also to further mainstream the matter of freezing of assets regularly in both multilateral and bilateral settings. This included direct engagement jointly and by each organ of the Court, where appropriate, with key regional and international specialised networks.

52. Building on previous work in this area, the Court expanded its reach and established new contacts with the Camden Asset Recovery Inter-Agency Network (“CARIN”) in southern, eastern and western Africa, the Caribbean and South America, as well as with the Council of Europe's specialised working group on corruption. The Court sought to benefit from these organisations' ongoing discussions of cooperation on freezing of assets in criminal matters. Initial contact was made with Europol in February 2017, with a focus on areas of potential assistance and a follow up meeting took place late August 2017 at Europol in presence of all other asset recovery regional networks. The Organization of American States (“OAS”) was also identified as a potential new partner. The Court held discussions during the High-Level Seminar for Fostering Cooperation with the Court organised in Trinidad and Tobago in January 2017 with States of the Caribbean Community region. Discussions focused in particular on the challenges faced by States with Court's cooperation requests, and on mapping of relevant implementing legislation with regard to freezing of assets.

53. Freezing of assets was also addressed at the High-Level Regional Cooperation Seminar “The ICC and Asia: the joint quest for justice, accountability and prevention”, which took place in Seoul in April 2017. National experts from each participating Member State attended technical workshops with the Court's experts to explore the various challenges encountered by both States and the Court in this area, and - where possible - to draft concrete proposals for the way forward.

54. Over the reporting period, the Court has also launched a process of engaging several private companies to conduct research in support of its financial investigations in accordance with the applicable legal framework and with due respect to confidentiality obligations. These companies employ highly qualified experts who are familiar with the jurisdictions whose assistance the Court requires. The Court's aim is to work with those who can provide *pro bono* assistance.

55. As reported previously, the technical seminar organised by the Court in 2015- with support from the Basel Institute on Governance's International Centre for Asset Recovery (“ICAR”), the EC and the Principality of Liechtenstein - provided an updated and comprehensive overview of the gaps and needs faced by the Court in matters of financial investigations. The resulting report, published in English, French and Spanish, contained useful recommendations that now form the basis for further concerted progress on freezing of assets that are discussed and implemented by the Registry and the OTP.

56. As regards the follow-up of this report and the implementation of its recommendations, the Court highly welcomes the efforts undertaken by the co-facilitators on cooperation regarding the organisation of a seminar on “The ICC and international cooperation: Key issues in asset recovery”, which will take place in Paris in October 2017, and will contribute to enhancing cooperation and coordination between relevant actors and the Court in the area of financial investigations.

57. Additionally, the Court is currently preparing a short, practical guide to requests for cooperation. This guide is expected to be ready by the end of 2017 and will be distributed to States' focal points to raise awareness on the specific legal framework of the ICC and its requirements in terms of cooperation in this area.

58. The fifth annual retreat of the ICC with African States Parties in Addis Ababa in December 2016 allowed for an important opportunity for critical engagement and dialogue with representatives from more than 20 States, as well as from the African Union's Office of the Legal Counsel and the *Organisation Internationale de la Francophonie*. Discussions touched on the importance of the complementarity principle and the need for national judicial systems to build capacities to enable them to investigate and prosecute ICC crimes, thus obviating the need for the ICC's intervention. Various ways in which the ICC and States Parties can coordinate efforts and work together to close the impunity gap were explored. The importance of achieving universality of the Rome Statute was also highlighted. The need for increased and more regular dialogue and exchanges of views

between African States Parties and the Court was highlighted, and various mechanisms through which interaction could be enhanced were explored. In particular, enhanced communication and outreach activities towards African States Parties and affected communities in situation countries was stressed as being crucial to ensure a better understanding of the mandate and activities of the Court.

59. The two high-level regional seminars and the side-event in the margins of the Pacific Islands Forum meeting also allowed the Court to launch renewed efforts to promote universality and implementation of the Rome Statute in certain geographical areas, including the Caribbean and Asia-Pacific. The Court is thankful for the support received from the facilitator of the Plan of action for achieving universality and full implementation of the Rome Statute, Denmark, as well as from the EC, the host States, and the relevant regional organisations and NGOs that participated in these events. With its limited resources, the Court will continue to contribute to further efforts to promote universality, including due to the link between enhanced and more effective cooperation and an increased number of States Parties.

60. During the reporting period, the Court has also engaged in further efforts to strategically broaden its interaction with relevant international, regional or specialised intergovernmental organizations, in order to support its cooperation priorities and universality goals. In particular, the Court has continued to seek engagement with a variety of regional organisations, such as Mercosur, OAS, CARICOM, Council of Europe, Parliamentary Assembly of the Organisation for Security and Cooperation in Europe, Economic Community of West African States, Economic Community of Central African States, Asian-African Legal Consultative Organization, United Nations Asia and Far East Institute, Association of Southeast Asian Nations, ASEAN Intergovernmental Commission on Human Rights as well as Pacific Island Forum. Increased exchanges have also taken place with specialised organisations such as UN Office on Drugs and Crime, CARIN, Interpol, Europol, Eurojust, Justice Rapid Response and the International Commission on Missing Persons.

61. Regarding its engagement with the UN and its various entities, the Court invites States to refer to its most recent report of activities to the UN (A/72/349), and more specifically to the paragraphs 76 to 102.

62. The Court has also systematically approached the visits of States representatives to the Court as an opportunity to mainstream the key cooperation priorities and universality goals. During the reporting period, the ICC received 93 high-level visits to the seat of the Court from State and international organisation representatives.

IV. ICC contribution to the 66 recommendations review

63. In the Court's view, the identified areas of priority in the 66 recommendations flyer provide an adequate basic framework to enhance discussions and engage concretely on tangible actions involving the Court, States and other stakeholders, mindful of specific interests and capacities as well as the cooperation obligations established in Part 9 of the Rome Statute.

64. Furthermore, the Court hopes that the identification of these seven priorities and the development of the 66 recommendations flyer serve as a useful lens that will help the relevant partners to focus their actions towards increasing and strengthening the cooperation between the Court, States and other stakeholders. The Court will continue to actively seek opportunities, and whenever possible take part in activities aimed at contributing to these efforts. One such example follows from the efforts by the co-facilitators to organise a seminar in Paris, on 20 October 2017, focusing on strengthening cooperation in the area of identification, seizing, freezing and recovery of assets, to which the Court has contributed.

65. The following table is meant to provide an overview of the key challenges met by the Court regarding these seven cooperation priorities, as well as to suggest recommendations for a way forward to address them, based on its experience and lessons learned in the past 15 years.

<i>Cooperation priority</i>	<i>Key challenges identified</i>	<i>Recommendations on way forward</i>
Enacting the legal mechanisms set in the Rome Statute and setting up effective procedures and structures regarding cooperation and judicial assistance	<ul style="list-style-type: none"> - lack of implementing legislation and APIC signature - complicated and lengthy processes for execution of a request for cooperation - lack of understanding on the legal framework of the Court 	<ul style="list-style-type: none"> - identification of national focal points - adoption of simplified and centralised procedures for processing requests for cooperation from the Court - informal consultations with designated focal point at central and operational level, as appropriate, prior to transmission of formal request
Cooperation in support of preliminary examinations, investigations, prosecutions and judicial proceedings (including with the Defence)	<ul style="list-style-type: none"> - no follow-up to findings of non-cooperation - significant delays (long turn-over time) in responses to requests for assistance or information - challenges regarding implementation of certain requests for cooperation from Defence teams 	<ul style="list-style-type: none"> - mainstreaming of information within national judiciary and law enforcement of legal framework of the Court and cooperation obligations with the Court as a whole, including Defence teams - continue to reinforce roles of the focal points on non-cooperation and of the ASP in this area
Arrest and surrender	<ul style="list-style-type: none"> - lack of political will - practical operational challenge - concerns regarding geopolitical and security implications - lack of follow-up to UN Security Council referrals 	<ul style="list-style-type: none"> - generating political support and momentum for the timely arrest and surrender of suspects both in bilateral contacts and activities in regional and international organisations - provision of technical assistance and support to a State on whose territory suspects are located, such as through information-sharing and specialised training of law enforcement personnel - sharing experiences and lessons learned on issues relating to arrest and transfer - identification and use of effective leverage points, such as economic avenues, to foster cooperation and promote arrests - Isolating and delegitimising suspects by finding alternate ways of dealing with relevant Governments, groups, etc., avoiding non-essential contacts.
Identification, seizing and freezing of assets	<ul style="list-style-type: none"> - ICC knowledge of national legislation on freezing of assets of a specific State - State knowledge of the Court's legal framework in terms of financial investigations, as well as of the specific mandates of the OTP and the Registry - implementing legislation of Rome Statute provisions - complexity of transnational financial investigations (assets for some individuals are located in various jurisdictions) - limited capacity of the ICC to carry out financial investigations 	<ul style="list-style-type: none"> - designing national operational focal point(s) on financial investigations - developing a database of national legislations regarding identification, seizing and freezing of assets - engaging in informal consultations with relevant organs of the Court in order to handle requests - adjusting national legislation or cooperation mechanisms to be able to assist the Court with its requests for assistance (including regarding identification of assets, as well as on investigating a person's indigence, as there is often no equivalent provision in domestic proceedings) - mainstreaming information about the ICC legal framework within relevant national systems / administrations

<i>Cooperation priority</i>	<i>Key challenges identified</i>	<i>Recommendations on way forward</i>
		<ul style="list-style-type: none"> - pro-actively sharing information with the ICC when information that could be potentially interesting for the Court becomes available in the national judiciary system - engaging in sharing of best practices and training activities with the Court - integrating ICC needs and mandate in discussions as part of specialised networks on asset recovery and financial investigations
Cooperation agreements	<ul style="list-style-type: none"> - lack of political will - lack of information on what the agreements entail - lack of understanding on flexibility of agreements - lack of capacity or expertise at national level to implement cooperation agreements - lack of national legislation to implement a cooperation agreement 	<ul style="list-style-type: none"> - Special Fund for Relocations allows for cost neutral agreements for witness relocation agreements - Specialized organisations (such as the United Nations Office on Drugs and Crime) are willing to assist with capacity-building initiatives as part of their development aid programmes, both for witness relocation and enforcement of sentences agreements - Designation of a focal point at the state level allows to coordinate discussions and to follow-up on status of negotiations - Mainstreaming material developed by the Court in order to help States bring attention to the matter at the capital level and to initiate negotiations on the basis of a model agreement
Diplomatic and public support in national, bilateral, regional and international settings	<ul style="list-style-type: none"> - lack of understanding on mandate and work of the Court - lack of integration of ICC issues into discussions of relevance, such as regarding its situations of operation, or thematic discussions (sexual and gender-based crimes, children, peacekeeping operations, rule of law, justice reform, etc.) - limit to the potential preventative impact of the Court 	<ul style="list-style-type: none"> - insertion of side events or speaking opportunities for the Court in the context of annual or regular meetings of regional and international organisations - promotion of visits to the Court
Inter-State cooperation in the context of the Rome Statute system	<ul style="list-style-type: none"> - limited coordination of efforts with relevant regional and international partners - lack of knowledge on the work and mandate of the ICC 	<ul style="list-style-type: none"> - integration of ICC in specialised networks and opportunities for exchange of information and mutual assistance

V. Conclusion

66. The Court looks forward to continuing its active engagement with States Parties, including through the working group cooperation facilitation, in order to find creative, tangible and concrete solutions to address the seven cooperation priorities identified. The different activities carried out by the Court during the reporting period should be understood as part of a wider strategy to enhance cooperation and find solutions for the specific challenges identified.

67. The Court would warmly welcome any initiatives by States to engage in dialogue with the Court on the issues addressed in this report, to provide feedback, or to discuss proposals for the purpose of enhancing cooperation and for addressing any obstacles that may exist.

68. The Court underlines that the timely, consistent and strong support and cooperation from States Parties, as well as other relevant stakeholders, is essential to allow the Court to fulfil its mandate effectively and efficiently, providing meaningful justice to victims and the affected communities, as well as reinforcing the legitimacy and credibility of the Rome Statute system and the commitment of the international community towards it.

69. The Court is thankful to the Assembly and the States Parties, as well as many non-States Parties and other stakeholders and partners, for their cooperation and support and remains available for further discussion or information on the basis of this as well as past reports.
