



# Assembly of States Parties

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## Seventeenth session

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### Report of the Bureau on cooperation

#### *Contents*

	<i>Page</i>
I. Background.....	2
II. Organization of work and general findings.....	2
A. The 20 <sup>th</sup> anniversary of the signing of the Rome Statute.....	2
B. The Court's relationship with the United Nations and the Security Council .....	3
C. Follow-up on the implementation of the 2017 priorities .....	3
D. Procedure for Arrests.....	4
E. Seminars .....	5
III. Recommendations.....	6
Annex I: Draft resolution on cooperation .....	7
Annex II: Proposed text for omnibus resolution and mandates of the Assembly of States Parties for the intersessional period .....	11

## I. Background

1. Operative paragraph 30 of resolution ICC-ASP/15/Res.3 entitled “Cooperation”, adopted by the Assembly of States Parties (“the Assembly”) on 24 November 2016, requested the Bureau to maintain a facilitation of the Assembly for cooperation to consult with States Parties, the Court and non-governmental organizations as well as other interested States and relevant organizations in order to further strengthen cooperation with the Court.
2. On 4 March 2018 the Bureau re-appointed Ambassador Momar Diop (Senegal) and Ambassador Philippe Lalliot (France) as co-facilitators on cooperation.
3. Upon the departure of Ambassador Momar Diop the Bureau appointed on 11 September 2018 Ambassador Momar Guèye (Senegal) as co-facilitator on cooperation.

## II. Organization of work and general findings

4. In 2018, The Hague Working Group (“the working group”) held a total of three informal consultations on the issues of cooperation. Meetings were held on 9 April, 21 September and 12 November 2018. Meetings and consultations have been held with a number of stakeholders, including States, Court officials and representatives of civil society.
5. At the first 2018 meeting, held on 9 April, the co-facilitators presented their programme of work which included the following set of issues on which to focus the efforts of the working group, pursuant to the mandates outlined in the resolution on cooperation (ICC-ASP/16/Res.2),<sup>1</sup> as well as in the omnibus resolution (ICC-ASP/16/Res.6, including annex I). The definition of new priorities for 2018 is without prejudice to the monitoring and evaluation of the priorities of 2017:
  - (a) The 20<sup>th</sup> anniversary of the signing of the Rome Statute;
  - (b) The Court’s relationship with the United Nations and the Security Council;
  - (c) Procedure of Arrests;
  - (d) Follow-up on the implementation of the 2017 priorities, including voluntary agreements;<sup>2</sup> and the Paris Declaration on financial investigations and asset recovery;<sup>3</sup> and
  - (e) Seminars (organised by the Court).

### A. The 20th anniversary of the signing of the Rome Statute

6. In 2018, the international community, the Assembly of States Parties and the Court celebrate the 20th anniversary of the signing of the Statute creating the ICC, in Rome, in July 1998.
7. On this occasion, the co-facilitators prepared a short video of 2-3 minutes to reaffirm at the highest level the collective support of States Parties for the fight against impunity, the international criminal justice system and the Court’s work. States Parties, officials of the Court, several key international leaders and civil society were asked to contribute to this initiative by recording a video clip of several seconds stating the following sentence: “With the ICC, I am fighting against impunity” / “Avec la Cour pénale internationale, je lutte contre l’impunité”, in one of the Court’s six official languages. This video was broadcasted on social networks on the day of the 20th anniversary – 17 July 2018. This project is inspired by the co-facilitation initiative on universality conducted by Cyprus and Denmark in 2017 with the "JOIN" campaign.

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<sup>1</sup> ICC-ASP/16/Res.2, adopted at the 12th plenary meeting, on 14 December 2017, by consensus.

<sup>2</sup> Ibid., operative paragraph 22.

<sup>3</sup> ICC-ASP/16/17, Appendix.

8. From 26 November to 14 December, the Ministry of Europe and Foreign Affairs of France, the Ministry of Justice, the Institute of Advanced Studies on Justice, the National School of Magistracy, the Cité internationale des Arts, Creating Rights, the City of Paris, in cooperation with the Court, organized an exhibition, artistic works and round tables entitled "A new look at the International Criminal Court: 20 years of the Rome Statute", in Paris, France.

## **B. The Court's relationship with the United Nations and the Security Council**

9. The Security Council has referred two situations to the Court pursuant to article 13(b) of the Statute. Moreover, article 3 of the Relationship Agreement between the International Criminal Court and the United Nations sets down a reciprocal obligation of cooperation between the two organizations.

10. In this regard, on 6 July 2018 an Arria-formula meeting was held at the United Nations Security Council in New York on the topic of relations between the Security Council and the International Criminal Court. The Arria-formula meeting was initiated by the Netherlands, in its capacity of rotating Presidency of the Security Council, and was co-sponsored by Bolivia, Sweden, the United Kingdom, Cote d'Ivoire, France, Peru and Poland, which are all States Parties to the Rome Statute. In this regard, on 18 September, the co-facilitators organized a cooperation meeting devoted to an exchange concerning the consultations at the United Nations Security Council under the Arria-formula in July. The meeting included a presentation by the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, a presentation by Ambassador Paul van den Ijssel, Permanent Representative of the Netherlands to the OPCW and the ICC, as well as a summary of the intervention made by President of the Assembly of States Parties O-Gon Kwon, who could not attend the cooperation meeting.

11. The co-facilitators indicated that The Hague Working Group should engage in a discussion and decide whether suggestions presented during the Arria meeting aimed at improving the cooperation between the Court and the United Nations Security Council could be further explored and what goals could be achieved through the co-facilitation on cooperation. Among other proposals, the co-facilitators noted that the idea of a focal point or permanent interaction could help foster the dialogue between the Security Council and the Court. The suggestion to identify different timelines for such achievements was welcomed. The necessity to develop an inclusive approach for strengthening the cooperation between the Court and the United Nations Security Council members was raised and recommended.

## **C. Follow-up on the implementation of the 2017 priorities**

### **1. Voluntary agreements**

12. This subject was a priority in 2017, and a specific outreach meeting dedicated to presenting it was organized by the co-facilitators. The signing of agreements remains an important subject for cooperation and for the Court. The co-facilitators engaged in informal consultations with States that envisage signing an agreement with the Court in 2018 and organized a segment on this particular topic during the plenary session on cooperation at the seventeenth session of the Assembly of States Parties.

### **2. Paris Declaration on financial investigations and asset recovery**

13. Following its adoption as an annex to the resolution on cooperation in New York on 14 December 2017, the co-facilitators will submit a proposal on its implementation to the Hague Working Group. The co-facilitators envisage, for instance, the possibility of establishing a secure digital portal for States Parties to exchange relevant information in this area.

14. The Paris Declaration had invited the Court to: create and strengthen the ICC's partnerships with national authorities (paragraph 11); raise awareness of the ICC's mandate (paragraph 12); and conduct efficient and effective financial investigations to obtain freezing and seizure of assets (paragraph 13).

15. Regarding paragraph 11, since the meeting in Paris the Court has arranged bilateral meetings with three States Parties with which it works on a regular basis to try and overcome identified obstacles, better understand domestic legislation and strengthen cooperation. The Court further identified focal points on financial investigations and asset recovery to improve channels of communication.

16. Regarding paragraph 12, the Court created a brochure on financial investigations and asset recovery for distribution during the plenary session on cooperation at the sixteenth session of the Assembly of States Parties, and the Court is currently working on developing a more technical booklet. The Registry mentioned that the Court had contacted the United Nations Office on Drugs and Crime (UNODC) to see how to better streamline the ICC in their existing programmes to improve information-sharing channels. The Registry also indicated that the ICC had identified new fora in which the ICC could play a role and invited States Parties to also include the ICC in these efforts. For example the ICC was present at the high-level event in Ecuador on 7-8 June 2018.

17. Regarding paragraph 13, some innovative decisions have been made by the Court to strengthen its resources. The Registry has been working on the possibility to work with law firms on a pro bono basis to assist in identifying new assets and advice on strategic choices to break corporate veils and specific issues peculiar to a specific system. The Registry welcomed the possibility of having a financial investigator or asset recovery expert on secondment for one year to assist their efforts. The Court had several meetings at a strategic level to see how to best coordinate the efforts of the Registry and the OTP on these issues including by optimizing external relations opportunities. To give an example of the importance of the appointment of a focal point, the Registry indicated that since January 2018, it had on average a meeting every 15 days with the focal point of a situation country to discuss a file with the Court to better learn how the domestic systems function and to try and solve numerous challenges in a particular situation. This is a dual exercise in which both are learning, they adapt to the Court and the Court to them. These unofficial channels do not overstep the official diplomatic channels, and one does not obstruct the work of the other.

#### **D. Procedure for Arrests**

18. At its thirteenth session, the Assembly had taken note of the report on arrest strategies submitted by the Rapporteur<sup>4</sup> which had annexed a draft Action Plan, and had invited the Bureau to continue discussions on the topic with a view to submitting a consolidated draft Action Plan on Arrest Strategies for consideration by the Assembly.<sup>5</sup>

19. At its fourteenth session, the Assembly had taken note of the Report on the draft Action Plan on Arrest Strategies, submitted by the Rapporteur,<sup>6</sup> and had urged the Bureau to continue consideration of the recommendations of the draft Action Plan on Arrest Strategies with a view to its adoption, and to report thereon to the fifteenth session of the Assembly.<sup>7</sup>

20. At its fifteenth session, the Assembly had again taken note of the report and urged the Bureau to continue consideration of the recommendations of the draft Action Plan on Arrest Strategies with a view to its adoption, and to report thereon to the sixteenth session of the Assembly.<sup>8</sup>

21. In 2017, the co-facilitators, as mandated by the Assembly, conducted informal consultations on arrest strategies; given the importance of this topic, additional consultations were held in 2018.

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<sup>4</sup> ICC-ASP/13/29/Add.1.

<sup>5</sup> ICC-ASP/13/Res.3, para. 4 and ICC-ASP/13/Res.5, para.11.

<sup>6</sup> ICC-ASP/14/26/Add.1, annex IV, appendix.

<sup>7</sup> ICC-ASP/14/Res.3, para. 4.

<sup>8</sup> ICC-ASP/15/Res.3, para 4 and ICC-ASP/15/Res.5, annex I, para 3 (a).

22. On 7 November 2018, the co-facilitators in cooperation with the Court and the International Organisation of La Francophonie organised a seminar entitled “Arrests: a key challenge in the fight against impunity”. The aim of the seminar was to discuss ways of strengthening cooperation for arresting persons suspected of committing crimes within the mandate of the Court. This topic is important not only in terms of the mandate of the International Criminal Court, but also as part of the broader context of the global fight against impunity. The seminar contained three panel discussions addressing the issues from the proceedings leading to an arrest warrant’s issuance and then to its implementation. The first one tackled the challenges surrounding investigations and issuance of arrest warrants. The second panel discussed the implementation of effective cooperation on arrests. The third panel addressed the issue of the arrest procedure with regard to fundamental rights. The seminar included key note speakers such as officials of the Court: Judge Alapini-Gansou, Prosecutor Fatou Bensouda, and Registrar Peter Lewis, but also high level national and international officials – judges and prosecutors – as well as practitioners.

23. At the closing of the seminar, the co-facilitators noted a number of ideas for further discussions on concrete proposals aimed at improving cooperation with respect to the implementation of arrest warrants:

(a) including specific provisions for operational implementation of requests of cooperation on arrests and surrender of suspects in the implementation laws of the Rome Statute;

(b) enhancing dialogue between States Parties, and States Parties and the Court by establishing direct contact points at the national level and instituting networks to share national practices and procedures allowing the Court and States Parties to better coordinate with national authorities;

(c) establishing informal arrangements to strengthen and streamline interactions between the Court and national actors to gather relevant information to allow arrests;

(d) establishing a specific and unique national procedure, or institution such as a specialized unit, to centralize and process requests from the Court;

(e) envisaging the use of innovative tools to implement arrest warrants, which may include incentives or assistance means; and

(f) considering to sign agreements with the Court on transport of suspects, providing confidential, secured and dedicated air transport, with the capacity to reach sensitive areas within a short timeline.

## **E. Seminars**

24. On 15 March 2018, the Court participated in the Special Working Meeting on Strengthening Cooperation with the ICC of the Organization of the American States (“OAS”), in Washington D.C, marking the 20th anniversary of the Rome Statute. This was the tenth time the Court participated in such a meeting since 2005, providing updates on its activities and exploring avenues for further cooperation and interaction with the region and the organization.

25. On 23 May 2018, the Court hosted the third EU Day against Impunity for Genocide, Crimes against Humanity and War Crimes, organized by the Bulgarian Presidency of the Council of the EU and Eurojust. This event focused on the 20 years of the Rome Statute and the achievements of the EU and the Member States to fight impunity.

26. On 7 and 8 June 2018, a High-Level Seminar "The International Criminal Court (ICC) and South America: Opportunities and challenges for cooperation and the exchange of experiences within the framework of the 20 years of the Rome Statute" was held at the Secretariat of the Union of South American Nations' Headquarters in Quito, Ecuador. The event was organised jointly by the ICC and the Government of Ecuador, with the financial support of the European Commission. The Seminar gathered representatives of South American States Parties to the Rome Statute and aimed to increase cooperation in the international criminal justice system by enhancing understanding about the ICC cooperation regime, increasing dialogue, promoting efforts towards the universality of the

Rome Statute, and reinforcing high-level and technical contacts and partnerships. The seminar benefited from the participation of the Executive Secretary of the Financial Action Task Force of Latin America (GAFILAT), Mr. Melo Marconi.

27. On 6 July 2018, an Arria-formula meeting was held on the topic of achievements, challenges and synergies in the relationship between the Security Council and the International Criminal Court. The meeting was co-hosted by Bolivia (Plurinational State of), Côte d'Ivoire, France, the Netherlands, Peru, Poland, Sweden and the United Kingdom. Briefings were provided by the Prosecutor of the International Criminal Court, Fatou Bensouda, the Special Prosecutor of the Special Criminal Court of the Central African Republic, Toussaint Muntazini Mukimapa, the Permanent Representative of Mali to the United Nations, Issa Konfourou, the Assistant Secretary -General for Legal Affairs, Stephen Mathias, and the President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, O-Gon Kwon. Representatives of Council members, other Member States and non-governmental organizations were present at the meeting.

28. On 13 July 2018, the ICC and The Hague Project Peace and Justice hosted a kick-off event for the Asia-Pacific Forum of The Hague. The event facilitated a dialogue about the Asia Pacific region's engagement with and contribution to international criminal justice, and encouraged students and young professionals from the region to consider a career in international criminal justice and at the ICC. The event was attended by more than 150 persons and reached approximately 27,000 viewers around the world via Facebook Live. It was the first in a series of anticipated events and activities intended to enhance the engagement of the Court with the Asia-Pacific region.

29. On 4 October 2018, the Court participated in the annual ICC-EU roundtable, which took place in Brussels, and provided an opportunity to exchange ideas and identify ways to support some of the main targets of the Court, such as universality, cooperation and complementarity.

30. On 24-25 October 2018, the International Criminal Court, in collaboration with the Government of Georgia and with financial support from the European Commission, held a high-level regional seminar in Tbilisi, Georgia to foster regional cooperation in Eastern Europe. The event, titled "Opportunities for Cooperation and Exchange of Experience at 20 Years of the Rome Statute" gathered high-level representatives of 16 countries, the ICC and regional and intergovernmental organisations to promote and enhance cooperation in the region, take stock of the 20 years since the adoption of the Rome Statute, and reinforce the framework of justice and accountability created by the Statute.

### **III. Recommendations**

31. The working group recommended that the Assembly continue to monitor cooperation with a view to facilitating States Parties in sharing their experiences and considering other initiatives to enhance cooperation with the Court, and to include cooperation as a standing agenda item for future sessions of the Assembly, pursuant to operative paragraph 31 of resolution ICC-ASP/16/Res.2. The working group further recommended that the draft resolution in annex I be adopted by the Assembly following the plenary session on cooperation.

## Annex I

### [Draft] Resolution on cooperation

*The Assembly of States Parties,*

*Recalling* the provisions of the Rome Statute, the Declaration on Cooperation (RC/Dec.2) agreed by States Parties at the Review Conference in Kampala and previous resolutions and declarations of the Assembly of States Parties with regard to cooperation, including ICC-ASP/8/Res.2, ICC-ASP/9/Res.3, ICC-ASP/10/Res.2, ICC-ASP/11/Res.5, ICC-ASP/12/Res.3, ICC-ASP/13/Res.3, ICC-ASP/14/Res.3, ICC-ASP/15/Res.3, ICC-ASP/16/Res.2 and the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2,

*Determined* to put an end to impunity by holding to account the perpetrators of the most serious crimes of concern to the international community as a whole, and *reaffirming* that the effective and expeditious prosecution of such crimes must be strengthened, inter alia, by enhancing international cooperation,

*Stressing* the importance of effective and comprehensive cooperation and assistance by States Parties, other States, and international and regional organizations, to enable the Court to fulfil its mandate as set out in the Rome Statute and that States Parties have a general obligation to cooperate fully with the Court in its investigation and prosecution of crimes within its jurisdiction, including with regard to the execution of arrest warrants and surrender requests, as well as other forms of cooperation set out in article 93 of the Rome Statute,

*Welcoming* the report of the Court on cooperation<sup>1</sup>, submitted pursuant to paragraph 32 of resolution ICC-ASP/16/Res.2,

*Noting* that contacts with persons in respect of whom an arrest warrant issued by the Court is outstanding should be avoided when such contacts undermine the objectives of the Rome Statute,

*Further noting* the arrest guidelines issued by the Office of the Prosecutor for the consideration of States, including inter alia, the elimination of non-essential contacts with individuals subject to an arrest warrant issued by the Court and that, when contacts are necessary, an attempt is first made to interact with individuals not subject to an arrest warrant,

*Noting* the redrafted and redistributed guidelines setting out the policy of the United Nations Secretariat on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses issued by the Court, as annexed to a letter dated 3 April 2013 by the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council,

*Recognizing* that requests for cooperation and the implementation thereof should take into account the rights of the accused,

*Commending* international and regional organizations' support for strengthening cooperation in the area of voluntary agreements,

*Recalling* the pledges relating to cooperation made by States Parties at the Review Conference in Kampala and *noting* the importance of ensuring adequate follow-up with regard to the implementation of pledges,

1. *Emphasizes* the importance of timely and effective cooperation and assistance from States Parties and other States under an obligation or encouraged to cooperate fully with the Court pursuant to Part 9 of the Rome Statute or a United Nations Security Council resolution, as the failure to provide such cooperation in the context of judicial proceedings affects the efficiency of the Court and *stresses* that the non-execution of cooperation requests has a negative impact on the ability of the Court to execute its mandate, in particular when it concerns the arrest and surrender of individuals subject to arrest warrants;

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<sup>1</sup> ICC-ASP/17/16.

2. *Expresses* serious concerns that arrest warrants or surrender requests against 15 persons remain outstanding,<sup>2</sup> and *urges* States to cooperate fully in accordance with their obligation to arrest and surrender to the Court;
3. *Reaffirms* that concrete steps and measures to securing arrests need to be considered in a structured and systematic manner, based on the experience developed in national systems, the international ad hoc and mixed tribunals, as well as by the Court;
4. *Welcomes* the seminar organized by the co-facilitators on cooperation with the Court entitled “Arrests: a key challenge in the fight against impunity” held on 7 November 2018 at the Court’s premises in The Hague, *appreciates* the contributions of the participating international and national experts aimed at identifying practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants, and *underlines* the necessity to continue the discussions on these and other proposals contributing to ensuring the arrest and surrender of suspects;
5. *Urges* States Parties to avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party, *welcomes* the efforts of States and international and regional organizations in this regard, and *acknowledges* that States Parties may, on a voluntary basis, advise the ICC of their own contacts with persons subject to a warrant of arrest made as a result of such an assessment;
6. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, in particular through implementing legislation and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such legislative and other measures so as to ensure that they can fully meet their obligations under the Rome Statute;
7. *Acknowledges* efforts by States, by civil society organizations and by the Court, including through the Legal Tools Project, to facilitate exchange of information and experiences, with a view to raising awareness and facilitating the drafting of national implementing legislation;
8. *Encourages* States to establish a national focal point and/or a national central authority or working group tasked with the coordination and mainstreaming of Court related issues, including requests for assistance, within and across government institutions, as part of efforts aimed at making national procedures for cooperation more efficient, where appropriate;
9. *Recalls* the report to the thirteenth session of the Assembly on the feasibility study of establishing a coordinating mechanism of national authorities, and *encourages States Parties to continue the discussion*;
10. *Emphasizes* also the on-going efforts made by the Court in providing focused requests for cooperation and assistance which contribute to enhancing the capacity of States Parties and other States to respond expeditiously to requests from the Court, and *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance;
11. *Recognizes* that effective and expeditious cooperation with regard to the Court's requests for the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crime is crucial to the provision of reparations to victims and for potentially addressing the costs of legal aid;
12. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible; *welcomes* the Court’s report and comprehensive presentation on cooperation challenges faced by the Court with respect to financial investigation and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitate cooperation between the Court, States Parties, other States and international organizations;

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<sup>2</sup> As of 12 November 2018, see ICC-ASP/17/16, para 38.



13. *Urges* States Parties to cooperate with requests of the Court made in the interest of Defence teams, in order to ensure the fairness of proceedings before the Court;
14. *Calls upon* States Parties as well as non-States Parties that have not yet done so to become parties to the Agreement on Privileges and Immunities of the International Criminal Court as a matter of priority, and to incorporate it in their national legislation, as appropriate;
15. *Acknowledges* the importance of protective measures for victims and witnesses for the execution of the Court's mandate, *welcomes* the new relocation agreement concluded since the last resolution on cooperation, and *stresses* the need for more such agreements or arrangements with the Court for the expeditious relocation of witnesses;
16. *Calls upon* all States Parties and other States, to consider strengthening their cooperation with the Court by entering into agreements or arrangements with the Court, or any other means concerning, inter alia, protective measures for victims and witnesses, their families and others who are at risk on account of testimony given by witnesses;
17. *Acknowledges* that, when relocation of witnesses and their families proves necessary, due account should be given to finding solutions that, while fulfilling the strict safety requirements, also minimize the humanitarian costs of geographical distance and change of linguistic and cultural environment and *urges* all States Parties to consider making voluntary contributions to the Special Fund for Relocations;
18. *Welcomes* the conclusion of two agreements between the Court and the Republic of Argentina on Interim Release and Release of Persons;
19. *Emphasizes* that the need for cooperation with the Court on the enforcement of sentences is likely to increase in the coming years as more cases proceed toward conclusion, *recalls* the principle enshrined in the Rome Statute that States Parties should share the responsibility for enforcing sentences of imprisonment, in accordance with principles of equitable distribution, and *calls upon* States Parties to actively consider the conclusion of agreements with the Court to this end;
20. *Commends* and *further encourages* the work of the Court on framework agreements or arrangements, or any other means in areas such as interim release, final release - also in cases of acquittal - and sentence enforcement which may be essential to ensuring the rights of suspects and accused persons, in accordance with Rome Statute and guaranteeing the rights of convicted persons and *urges* all States Parties to consider strengthening cooperation in these areas;
21. *Requests* the Bureau, through its Working Groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its seventeenth session;
22. *Welcomes* the increased cooperation between the Court and the United Nations, and other international and regional organizations, and other inter-governmental institutions;
23. *Recognizes* the importance of ensuring a safe environment for strengthening and fostering cooperation between civil society and the Court and of taking all necessary action to address threats and intimidation directed at civil society organizations;
24. *Emphasizes* the importance of States Parties enhancing and mainstreaming diplomatic, political and other forms of support for, as well as promoting greater awareness and understanding of the activities of the Court at the international level, and *encourages* States Parties to use their capacity as members of international and regional organizations to that end;
25. *Urges* States Parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council refers situations to the Court, ensuring diplomatic and financial support; cooperation by all United Nations Member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions;

26. *Welcomes* the replies to the 2016 questionnaire and the exchange of information on the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007<sup>3</sup> as a step in the reviewing process of the implementation of the 66 recommendations, *recalls* the flyer prepared by the Court that can be used by all stakeholders to promote the 66 recommendations and increase their understanding and implementation by relevant national actors and the Court, and, *requests* 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;

27. *Welcomes* the organization by the Court, with the support of States Parties and international and regional organizations, of seminars on cooperation, and *encourages* all stakeholders, including civil society organizations, to continue organizing events that allow for exchange of information with the purpose of enhancing cooperation and constructively seeking solutions to identified challenges;

28. *[Placeholder for text based on ASP cooperation debate];*

29. *Encourages* the Bureau to identify issues for the Assembly to continue holding plenary discussions on specific topics related to cooperation, including on the issue of financial investigations and arrests;

30. *Requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;

31. *Recognizing* the importance of the Court's contribution to the Assembly's efforts to enhance cooperation, *requests* the Court to submit an updated report on cooperation to the Assembly at its eighteenth session and annually thereafter.

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<sup>3</sup> Resolution ICC-ASP/6/Res.2, annex II.

## Annex II

### Proposed text for omnibus resolution

#### A. Cooperation

1. *Refers* to its resolution ICC-ASP/17/Res.[...] on cooperation;
2. *Calls upon* States Parties to comply with their obligations under the Rome Statute, in particular the obligation to cooperate in accordance with Part 9, and *also calls upon* States Parties to ensure full and effective cooperation with the Court in accordance with the Rome Statute, in particular in the areas of implementing constitutional and legislative framework, enforcement of Court decisions and execution of arrest warrants;
3. *Further calls upon* States Parties to continue to express their political and diplomatic support to the Court, *recalls* the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2 and *encourages* States Parties and the Court to consider further measures to enhance their implementation and to strengthen their efforts to ensure full and effective cooperation with the Court;
4. *Welcomes* the seminar organised by the co-facilitators on cooperation with the Court entitled “Arrests: a key challenge in the fight against impunity” held on 7 November 2018 at the Court’s premises in The Hague, *appreciates* the contributions of the participating international and national experts aimed at identifying practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants, and *urges* the Hague Working Group to continue the discussions in order to consolidate and implement these and other proposals contributing to ensuring the arrest and surrender of suspects;
5. *[Placeholder for text based on ASP cooperation debate]*;
6. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, *welcomes* the Court’s report and comprehensive presentation on cooperation challenges faced by the Court with respect to financial investigation and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitate cooperation between the Court, States Parties, other States and international organizations;
7. *Recalls* the importance of the non-legally binding Declaration of Paris on asset recovery annexed to resolution ICC-ASP/16/17;

#### B. Mandates of the Assembly of States Parties for the intersessional period

With regard to **cooperation**,

- (a) *urges* the Bureau, through the Hague Working Group, to continue the discussions on the proposals resulting from the seminar of the co-facilitation held in the Hague on 7 November 2018 entitled “Arrests: a key challenge in the fight against impunity”;
- (b) *requests* the Bureau, through its Working Groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its eighteenth session;
- (c) *invites* the Bureau, through its Working Groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities;
- (d) *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance, including by considering consultations with the State Party concerned when necessary;

(e) *requests* the Bureau, through its Working Groups, to continue its review of the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,<sup>1</sup> in close cooperation with the Court, where appropriate;

(f) *requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;

(g) *requests* the Court to submit an updated report on cooperation to the Assembly at its eighteenth session and annually thereafter;

(h) *mandates* the Bureau, through its Working Groups, to continue discussions on cooperation on financial investigations and the freezing and seizing of assets as set out in the Declaration of Paris.

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<sup>1</sup> ICC-ASP/6/Res.2, annex II.