



**Elements for Intervention
on behalf of the European Union and its Member States**

***Eighteenth Session of the Assembly of States Parties
to the Rome Statute
of the International Criminal Court***

**Plenary
“Cooperation”
The Hague
5 December 2019**

CHECK AGAINST DELIVERY

- The EU and its Member States welcome this plenary debate on the important issue of cooperation, which remains a central theme on the agenda of the ASP.
- We express gratitude to Senegal and France for their continued efforts over the last years as co-facilitators on cooperation.
- The EU and its Member States reiterate their commitment to cooperate fully with the International Criminal Court in its investigations and prosecutions of serious crimes falling under the jurisdiction of the Court. We are strongly committed to promote a global order based on the rule of law. As an example, the EU was one of the first regional organizations to enter into an agreement on cooperation and assistance with the Court. We repeat again today that the Court has, as always, our unwavering support.
- This plenary debate on cooperation underlines the importance of consistent action to strengthen cooperation of all States Parties with the ICC. Two decades ago, the Rome Statute created a system of accountability and prevention in respect of the most serious crimes of international concern. It is however for States Parties to continue to work actively today in order to ensure that the Court can fulfil its mandate and lead the global fight against impunity as intended by the drafters of the Rome Statute. Strengthening the ICC and the Rome Statute system is a shared effort. The Court cannot function without States Parties' cooperation. Full and timely cooperation is a clear obligation for each State Party, but also our common responsibility, and necessary for the Court to be able to do its work properly.
- We are committed to working with the ICC to strengthen the cooperation regime, including by advancing cooperation on arrest strategies and the conclusion of framework agreements.
- We believe that a successful rules-based international order can be achieved with dedicated actors working together. Cooperation between the Court,

States, other stakeholders and international organizations is fundamental in that respect.

- The ICC shares the core values and goals of the United Nations' system. We fully support the strengthening of this invaluable partnership. Operational support provided by the United Nations entities, departments, offices, agencies, funds and programs is vital for the Court. It is important that the ICC continues to be mainstreamed into the United Nations system and that its activities are acknowledged and supported through the various UN reports, resolutions, declarations, and other documents adopted by the General Assembly, the Security Council and other United Nations organs.
- The Court also relies on the UN Security Council to refer situations to the ICC Prosecutor where it otherwise would not be able to exercise jurisdiction. The EU and its Member States recall the importance of close cooperation between the UN, including the Security Council, and the Court and urge all States Parties to call for, consider and actively engage in initiatives in this regard. The EU reiterates its call to have the situation in Syria referred to the International Criminal Court, and underlines the need for accountability for the atrocities committed in the Syrian conflict. We continue to be deeply concerned by the situation in Myanmar/Burma, in particular by the reported gross violations of international law that have taken place in Rakhine and committed against the Rohingya community. We reiterate that referral by the UN Security Council to the ICC remains one of the key means for achieving accountability in Myanmar/Burma. The EU invites Myanmar/Burma to become a party to the Rome Statute or to accept the exercise of jurisdiction of the International Criminal Court in accordance with Article 12(3) of the Rome Statute.
- The strengthening of the international criminal justice system relies heavily on the cooperation of States. We urge all States to lend the necessary assistance to the ICC so that it can carry out its mandate effectively, independently and impartially.

- Cooperation with the larger international community, including civil society, is fundamental for the execution of the Court's mandate. The EU appreciates the relentless work of human rights defenders and civil society organizations for the protection of victims, and urges States to support the civil society in its endeavours.
- We welcome the efforts and achievements of the Court related to sexual and gender based crimes, and the contributions of the States Parties and civil society in advancing the knowledge and understanding of sexual and gender based violence.
- In leading the fight against impunity, the ICC is the central pillar of a global system of international justice. It is important that the Court continues to cooperate closely with other international mechanisms established to ascertain facts related to alleged violations of international human rights law and international humanitarian law, in view of facilitating the prosecution of these crimes. We will continue to support these efforts to gather evidence with a view to future legal action.
- Initiatives on cooperation, at the national, regional and intergovernmental level, are to be encouraged. In its campaigns to promote the universality of the Rome Statute, the European Union always insists on the importance of cooperation with the Court. The European Union is also committed to continue to offer technical assistance to help with the implementation of the Rome Statute in national legal orders and the strengthening of domestic judicial systems as well as inter-state cooperation.
- The absence of arrests and surrender represents a crucial challenge to the credibility of the Rome Statute system. Instances of non-cooperation need to be addressed. In this regard, we highlight again the important role of the UN Security Council in situations referred to the ICC and reiterate the need to ensure an effective follow-up of situations referred to the Court.

- States Parties and the ICC must make the utmost efforts in strengthening cooperation for arresting persons subject to arrest warrants issued by the Court. The perpetrators of the most serious crimes of concern to the international community as a whole must not find shelter. We remind that the prompt execution of arrest warrants is a key obligation for States Parties.
- Cooperation is also needed in order to tackle the financial flows that fuel the crimes within the jurisdiction of the Court. Thorough financial investigations and asset recovery require good cooperation between relevant actors. These measures are also essential to secure funds for reparations for victims. We are committed to strengthen our efforts to address these issues.
- Various forms of voluntary cooperation, such as the relocation of witnesses, enforcement of sentences, and interim and final release of detained persons, are essential to ensure the efficient functioning of the Court. These are all activities that the Court should not be left to deal with on its own. We urge States Parties to conclude voluntary agreements with the Court. In 2006, the EU entered into an agreement on cooperation and assistance with the Court, which established a framework for the EU-ICC cooperation. We are committed to continue this work.
- We emphasize the need to give effect to voluntary agreements by providing cooperation upon concrete requests. Concrete support can be challenging – yet, we should strive to enhance our efforts on cooperation, and to exchange information on best national practice. In this regard, we welcome collective initiatives, such as the draft questionnaire prepared by the Hague Working Group on Cooperation and aimed at creating a secure shared platform for the facilitation of cooperation.