



Reference: ICC-ASP/8/S/PA/19

The Secretariat of the Assembly of States Parties presents its compliments to the Permanent Mission of ... to the United Nations 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, set out in annex I thereto (see annex I), to Assembly resolution ICC-ASP/6/Res.2 of 14 December 2007 (see annex II), and to paragraph 3 of resolution ICC-ASP/7/Res.3 of 21 November 2008, by which the Assembly, inter alia, endorsed the recommendations contained in the Report of the Bureau on the Plan of action (ICC-ASP/7/19) (see annex III).

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:

- “(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;
- (viii) 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;
- 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, by 31 August 2009, the information referred to in paragraph 6, sub-paragraph (h), of the Plan of action and in recommendations 1 through 5 of the Plan of action contained in annex I of resolution ICC-ASP/6/Res.2.

Furthermore, as regards the measures undertaken in respect of implementing legislation, the Secretariat conveys herewith a questionnaire, prepared by the Court (see annex IV), which States Parties are requested to complete and submit 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, Room C-0691, Maanweg 174, 2516 AB The Hague, The Netherlands (or via fax to +31 70 515 8376 or via e-mail to asp@asp.icc-cpi.int). If feasible, the Secretariat would appreciate receiving digital versions of the information.

The Hague, 24 April 2009

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

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.

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;

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.

- (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;
- (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;
 - (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.

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.

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

To States Parties

1. To continue their engagement and efforts, through dialogue and activities, in promoting the universality of the Rome Statute and its full implementation.
2. To continue to share successful ratification experiences and decisions of national courts and/or constitutional tribunals with States that have similar concerns or legal obstacles.
3. To report to the Secretariat of the Assembly on developments on the implementation of the Plan of Action.
4. To consider, as a matter of priority, the designation of the national contact point.
5. To continue the initiatives carried out both in regional and sub-regional organizations to promote the International Criminal Court through discussion meetings and resolutions, considering the inclusion of new items and action-oriented approaches related to the Plan of Action.

To the Secretariat of the Assembly

6. To continue to make use of all its capacity to support the States Parties' efforts in the implementation of the Plan of Action.
7. To improve the website on a continual basis to make useful documents more accessible for the purposes of universality and full implementation.

To the Assembly

8. To continue monitoring closely the implementation of the Plan of Action.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, resolution ICC-ASP/6/Res.2, annex I.

Annex III

Recommendations contained in the report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court¹

Recommendations

To States Parties

1. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in their bilateral, regional and multilateral relationships;
2. To continue their efforts to disseminate information on the Court at the national and international level, including through events, seminars, publications, courses and other initiatives that may raise awareness about the work of the Court;
3. 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;
4. To continue to provide, wherever possible, technical and financial assistance to States wishing to become parties to the Statute and to those wishing to implement the Statute in their national legislation;
5. To continue to cooperate with the Court so that it can fulfil its functions accordingly.

To the Secretariat of the Assembly of States Parties

6. To continue to support States in their efforts to promote 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.

To the Assembly of States Parties

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

¹ Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court¹ (ICC-ASP/7/19).

Annex IV

Implementing legislation questionnaire for States Parties¹

1. Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”)?

IF NOT

Part A

2. What legislative efforts, if any, has your Government taken 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?
4. What form of assistance would benefit your Government’s efforts to implement the Statute?

IF YES

Part B

5. In implementing the Statute, did your Government draft special implementing 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 in the legislation itself?
7. Does the implementing legislation fully incorporate all modes of cooperation under Part 9 of the Statute?
8. Does the implementing legislation designate a channel of communication with the Court?

¹ The questionnaire was prepared by the Registry of the Court.