

UK Intervention on Cooperation

Thank you, Ambassador, for giving me the floor.

The Court relies on the cooperation of States Parties to carry out its mandate in full. It has no police force; it has no prisons; and it cannot protect witnesses beyond a certain point. For the Court to deliver its mandate, these functions need to be provided, as the work of the Court does not end when a trial finishes.

States Parties have the responsibility to support the ICC's judicial and prosecutorial functions by providing concrete cooperation at all stages of the Court's activities.

It is the oil that keeps the Court's engine running including the arrest and transfer of suspects, access to evidence and witnesses, protection of individuals, and the enforcement of judicial decisions and sentences. The engine will seize without this cooperation.

As a strong supporter of the Court, the United Kingdom has been pleased to assist in this regard.

In 2004 the United Kingdom entered into a cooperation agreement with the Court on the protection of witnesses. Since then we have implemented a multi-agency approach to ensure that such requests are dealt with promptly.

The same goes for Requests for Assistance which are dealt with by our Central Authority. Whether it be witness statements, requests for interviews or information, the Court has a central point of contact, leading to swifter resolution of the requests.

All involved agencies and government departments, including our police war crimes team, meet regularly with the appropriate organs of the Court to discuss any issues arising and to fine-tune the process.

This has allowed us to provide real, practical support to the Court in relation to a number of investigations and preliminary examinations without delay.

In 2007 the United Kingdom entered into an agreement with the ICC regarding the enforcement of sentences imposed by the Court. The United Kingdom has a strong track record of housing prisoners from international tribunals, whether Sierra Leone, or the former Yugoslavia, and the ICC. We will consider seriously all further requests for the enforcement of sentences of imprisonment.

But, we and a limited number of other States cannot do this alone. Article 103 of the Rome Statute provides that States Parties should share the responsibility for enforcing sentences of imprisonment, in accordance with the principle of equitable distribution, as provided for in the Rules of Procedure and Evidence.

A wider pool of States entering into agreements with the Court also allows it to consider the views and best interests of the sentenced person themselves, whether it is family links, or cultural background, which while they may not be paramount are an obligation on the Court when designating an enforcement State.

For those States who are willing, but are concerned that they do not yet meet the required minimum international standards of imprisonment, it must not be overlooked that the Court is ready to assist.

In this regard, it is helpful to recall that in 2014 the Court concluded a Memorandum of Understanding with the United Nations Office on Drugs and Crime. [This has not yet been implemented but could be revived.]

UNODC will develop and implement, upon request, training and technical assistance programmes, for national prison administrations, on matters related to the enforcement of sentences of imprisonment pronounced by the Court, and on the application of international standards and norms governing the treatment of prisoners

And, of course, no State is obligated to take a prisoner once an Agreement is concluded; the double consent rule means that the State has to explicitly consent to enforce the sentence of each prisoner that the Court asks it to take.

Currently there are only eleven States with sentence enforcement agreements with the Court, less than 10% of States Parties. Only one of these States is in the Americas and only one in Africa. We join with the Court in asking more States to come forward, and we stand ready to assist and advise any State that wishes to enter into an agreement with the Court and share our own experience of doing so.

I thank you.