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Report of the Court on Cooperation

I. Introduction

1. The Report of the Court on Cooperation is submitted by the International Criminal Court (“ICC” or “Court”) pursuant to paragraph 39 of resolution ICC-ASP/22/Res.5 (“2023 Resolution on Cooperation”). It covers the period of 16 September 2023 to 15 September 2024, and provides an update on the different cooperation efforts undertaken by the Court with the support of States and other stakeholders during the reporting period, including disaggregated data pertaining to different types of requests for cooperation.¹

2. The report should be read in conjunction with the latest ICC annual report to the United Nations General Assembly (A/79/198), providing, *inter alia*, information on the Court’s recent cooperation with the United Nations (“UN”). The Court also refers to the final report of the Group of Independent Experts dated 30 September 2020², which touches upon relevant matters for this current report including the relationship between the Court and the UN, cooperation between the Court and international organisations and agencies, assistance in evidence collection, as well as the capacity of the Office of the Prosecutor (“OTP” or “the Office”) and increased inter-organ coordination in the field of financial investigations and the tracking of suspects.

3. During the reporting period, the Court continued to engage with States Parties on its cooperation priorities and challenges, as well as its ongoing efforts aimed at advancing these priorities, including in the context of the Hague Working Group (“HWG”). To amplify its messaging, the Court used, where appropriate, the booklets and factsheets it has produced over the years, with the financial support from the European Union, to disseminate information and promote cooperation in the key areas: cooperation agreements, financial investigations and recovery of assets, arrest and surrender, and the Trust Fund for Family Visits (“TFFV”).

4. Using their internal databases pertaining to requests for cooperation and assistance, the OTP and the Registry have continued their efforts in compiling and analysing information on the cooperation-related activities conducted within their respective mandates with States and other partners.

5. Cooperation is a key component in the Rome Statute and in the various Strategic Plans for the period 2023-2025. It is directly linked to the Court’s goal to foster political support and develop the modalities of cooperation and operational support for all parties as regards preliminary examinations, investigations, protection of witnesses, implementation of arrest warrants and judicial proceedings. Related Key Performance Indicators (“KPIs”) were and continue to be identified and measured.

6. The Court is undertaking various concrete steps to reinforce its capacity to achieve these goals and taking into account demands. The Court organs are strengthening internal coordination and collaboration in various regards, and also renewing organisational structures, where appropriate. The Registry has created a new Judicial Cooperation Support Section (“JCSS”) in January 2024. This section was created to reinforce the Registry’s capacity to meet its statutory responsibilities with

¹ ICC-ASP/20/25.

² As per the format adopted for the Report on Cooperation submitted in 2021, ICC-ASP/20/16.

respect to judicial cooperation, particularly in relation to the arrest and surrender of suspects at large. The mandate of JCSS is to provide a coordinated strategic approach to judicial cooperation and to facilitate the smooth running of Court proceedings that require cooperation from States Parties and States not parties to the Rome Statute, as well as international organisations. This involves developing strategies, identifying and engaging with reliable partners, anticipating and addressing procedural, legal and cooperation hurdles and drafting legally sound requests for cooperation. Requests for cooperation touch upon a wide scope of issues such as the recovery of assets, the transmission of information, requests for arrest and surrender of suspects, or the authorisation to conduct judicial activities on the territory of States. The Section also supports the conclusion of cooperation agreements on matters pertaining to release, interim release and relocation of witnesses and proposes activities that can strengthen the cooperation of States.

7. Also, the OTP has taken a number of progressive steps to strengthen its efforts towards realising relevant strategic objectives. In April 2024, the OTP promulgated a new policy on Complementarity and Cooperation, fundamentally renewing its approach in this field through a range of measures and initiatives aimed at placing the Office as a hub at the centre of global efforts to deliver justice for international crimes. In line with this renewed vision, the OTP is also seeking targeted support to strengthen its staffing structure within the new External Affairs Unit which brings together components related to judicial cooperation, strategic engagement with civil society, complementarity, and external relations. The Office has also renewed its internal structures relevant to tracking with the establishment of the Tracking and Information Fusion Section in order to address an increased level of activity required in order to support the successful location and tracking of individuals relevant to investigations.

8. Using as a compass the seven priority areas for cooperation identified in the flyer produced by the co-facilitators of the working group on cooperation in 2015,³ based on the 66 recommendations on cooperation adopted by States Parties in 2007⁴, this report (i) provides data on cooperation priority areas two and three⁵; (ii) provides an update on the efforts undertaken by the Court during the reporting period to strengthen cooperation in those areas; (iii) highlights the main challenges identified; and (iv) provides a short update on the five other priority areas⁶ that are not linked to data collection. Finally, the report identifies recommendations for a way forward for the aforementioned cooperation priorities, based on the Court's experience and lessons learned in the more than 20 years of operation.

II. Presentation of the disaggregated data, focusing on cooperation in support of investigative, prosecutorial and judicial activities; as well as arrest and surrender – update on ICC efforts and challenges identified

1. General overview of data collected for requests for cooperation and assistance sent and received by the OTP and the Registry during the reporting period

<i>Office of the Prosecutor</i>	
Total number of Requests for Assistance (“RFAs”) sent during the reporting period (16/09/2023 to 15/09/2024)	519 RFAs (including 190 notifications of missions)
Evolution based on the last reporting period (16/09/2022 to 15/09/2023)	+ 8.6% (with notifications) and – 4.63% (without notifications)
Average time needed to execute an RFA	53.95 days

³ “Recommendations on States’ Cooperation with the International Criminal Court (ICC): Experiences and Priorities”, <https://www.icc-cpi.int/sites/default/files/2022-04/66-Recommendations-Flyer-ENG.pdf>

⁴ Resolution ICC-ASP/6/Res.2, annex II, https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/ICC-ASP-ASP6-Res-02-ENG.pdf.

⁵ Area 2: Cooperation in support of preliminary examinations, investigations, prosecutions and judicial proceedings (including with the Defence); area 3: Arrest and surrender.

⁶ Area 1: Enacting the legal mechanisms set in the Rome Statute and setting up effective procedures and structures regarding cooperation and judicial assistance; area 4: Identification, seizing and freezing of assets; area 5: Cooperation agreements, area 6: Diplomatic and public support in national, bilateral, regional and international settings; area 7: Inter-State cooperation in the context of the Rome Statute system.

<i>Registry</i>	
Total number of Requests for Cooperation (“RFCs”) sent during the reporting period (16/09/2023 to 15/09/2024)	793 RFCs (including 412 RFCs sent by the relevant sections in HQ and 381 operational requests sent by the Country Offices) ⁷
Evolution based on the last reporting period (16/09/2022 to 15/09/2023)	+ 72% for RFCs in total and 37% for RFCs sent by the HQ.
Average time needed for reply to requests sent by the HQ⁸	36 days
% of positive replies to RFCs sent by the HQ during the reporting period	10.1 % (given the high numbers of requests that were sent for arrest and surrender which have not yet been executed)
Number of notifications of decisions/orders sent during the reporting period	26

2. **Priority area 2: Cooperation in support of preliminary examinations, investigations, prosecutions and judicial proceedings (including with the Defence)**

<i>Office of the Prosecutor</i>	
Total number of RFAs sent during the reporting period	519 RFAs (including 190 notifications of missions) – <i>same as above since all the OTP RFAs relate to investigations, prosecutions and judicial proceedings</i>
Total number of Requests for Information (“RFIs”) concerning preliminary examinations for the reporting period	31 RFI
% of replies for the RFAs during the reporting period	39.31% (a total of 204 RFAs executed out of the 519, between 16/09/2023 and 15/09/2024) ⁹
Average time needed to execute an RFA	53.95 days

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

⁸ The average time (in this table and the following) is calculated on the basis of requests which received a reply – pending requests are excluded from the calculation.

⁹ It is normal that all RFAs sent during a specific time period are not executed during the same time period, given the time needed to receive, process, consult, execute the requests. In addition, the closer to the end of the period it is sent, the least likely an RFA will be executed within the same time period. *The choice was made here to only include the RFAs that were sent AND recorded as executed during the period of reference, i.e. this excludes all those RFAs executed during the period of reference but sent before it and all those sent during the period of reference but executed after it and the RFAs for which the record process is ongoing.*

<i>Registry</i>	
<i>Total number of Requests for Cooperation (“RFCs”) sent during the reporting period for specific requests</i>	
Number of requests for cooperation	412
Defence teams’ requests transmitted by the Registry	44
Legal Representatives for Victims teams’ requests transmitted by the Registry	2
Witness protection requests	10
Support to judicial proceedings’ requests	111
Average time needed for reply to request from defence teams	44 days

Update on ICC efforts during the reporting period

9. The Court underlines that cooperation in support of investigative activities and judicial proceedings is vital to the mandate of the Court and requires constant engagement throughout the entirety of the ICC procedures. For the OTP, requirements start when investigations are launched, but for Registry it often commences with the issuance of arrest warrants. It continues with the support to the Chamber and defence teams at both the pre-trial and trial stages, and needs to remain sturdy even when the case is terminated for example with respect to the transport of the convicted person to the State of enforcement, in the event of acquittal to secure a host State, the support to the Trust Fund for Victims (“TFV”) during the reparation phase or the ongoing cooperation required to protect witnesses, among others.

10. The Court welcomes the initiative of the cooperation co-facilitators in recent years of developing and collecting questionnaires among States Parties regarding their cooperation legislation and modalities, as well as their experiences so far, and of developing a database compiling this information, allowing for further information sharing between States, and between States and the Court, including in the areas of financial investigation, asset recovery and assistance to the Defence. A total of 35 States have replied to the questionnaire.

11. The Court continues to consult with relevant authorities and companies to identify suitable procedures that would allow for a diligent execution of its requests.

Initiatives OTP

12. The current reporting period reflected a number of transformative steps at the OTP with respect to its work in the field of complementarity and cooperation. Building on the launch of its new policy in this field, the Office has sought to further intensify its efforts to find novel and imaginative ways, to partner with States Parties; States not Party; international organisations; civil society, the private sector, including telecommunication, social media, and other information technology companies; and other stakeholders to enhance the effective delivery of justice, at the ICC, and in other fora including at the domestic level. As reflected in its renewed policy framework, the Office, through a variety of initiatives, is seeking to place itself as a hub at the centre of accountability, with national jurisdictions and the Office functioning effectively together through partnership and vigilance.

13. Reflecting this approach, the Office commenced implementation of a new framework for cooperation with national authorities in the form of the Complementarity and Cooperation Forum, an enhanced platform for the two-way sharing of information between the Office and national authorities. Since the launch of the policy in April 2024, the Office has commenced implementation of the Forum both in the holding of dedicated thematic sessions and in the finalisation of its conceptual framework. A first thematic session of the Forum was held on 1 July 2024, in which the Office welcomed the participation of over 20 national immigration authorities to discuss ways of enhancing cooperation with the Office. The Office has

welcomed the positive response of national authorities to this initiative which has included the visit to the Office by national immigration authorities to deepen dialogue. In the coming reporting period, the Office will extend this model to a number of other thematic areas in which transversal dialogue can add value to its overall cooperation activities.

14. The work of the Cooperation and Complementarity Forum will complement but be operationally separate from the new Structured Dialogue framework the Office is establishing with its civil society partners, the first session of which will be held on 14 November. A more detailed overview of both of these initiatives will be provided in the OTP Annual Report to be published in December.

15. In line with its renewed policy framework, the Office has also strengthened its work to harness cooperation mechanisms, such as its engagement in the Joint Investigation Team (“JIT”) under the auspices of Eurojust in relation to the situation in Ukraine, and the Joint Team aimed at supporting investigations into crimes against migrants and refugees in Libya, are an example of this approach.

16. In the field of Forensics, the Office has continued to engage with national authorities to support a number of deployments of OTP and national experts under its auspices in the context the Office’s work in a number of situations including Ukraine and the Central African Republic (“CAR”). In January 2024, the Office hosted a major roundtable in this field together with national counterparts, international and regional organisations and civil society partners. This holistic discussion has led to the establishment of the OTP Global Forensic Network (“GFN”) to be underpinned by a Forensic Support Roster composed of pre-approved and screened national experts for rapid short-term deployments based on the needs of the Office. Under the umbrella of the GFN, in 2024 there has been increased coordination and collaboration with other international entities working in Ukraine to ensure equality of access to forensic expertise and non-duplication of the Office’s assistance measures to Ukrainian national authorities.

17. The Office’s efforts in the cooperation field have continued to be strengthened and accelerated through the complete renewal of its technological infrastructure. By harnessing this new technological framework, OTP has collected the same amount of evidence and information in the last eighteen months as it had in the previous twenty years. This has supported significant advancements in the Office’s own investigations while also strengthening the basis on which the Office can provide evidence and analytical products in support of national proceedings.

18. Overall, the Office notes that cooperation received from States has been positive, while further progress remains necessary in some key areas. The Office continues to observe, in particular, that gaining access to information collected by social media and telecommunication companies and entities, financial information, and the efficient and timely execution of requests for the interviewing of witnesses in secure environments are priority areas for further improvement.

Ongoing efforts Registry

19. The Registry has continued its efforts to encourage States to enhance their cooperation with requests from Defence teams, in order to ensure the fairness of the proceedings before the Court, as well as to contribute to the expeditiousness of proceedings.¹⁰ The Registry continues to support the work of counsel both by requesting States to grant them privileges and immunities during their missions, assisting them in meeting with relevant authorities, and by transmitting requests for assistance pertaining to the investigations of the Defence both to States and international organisations.

20. It has been the Registry’s experience that cooperation with Defence teams is not easily forthcoming for a number of reasons. States have indicated that they lack the internal mechanisms to deal with such requests especially without a judicial order. They have also indicated that the volume of requests is important, and the requests are wide in scope requiring significant resources which they do not have. This is even more significant when the requested States are not party to the Rome Statute. To facilitate the process, the Registry compiles the different national requirements to process requests from the defence so that defence teams can be advised in due time. Most States have indicated that they prefer to continue receiving requests via the Registry.

¹⁰ https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-22-Res5-AV-ENG.pdf.

Court-wide activities

21. The Court continued to receive crucial support and cooperation from the UN. The Court is grateful for the important role that the Office of Legal Affairs plays in coordinating its requests for assistance to various departments of the UN Secretariat, to the UN funds, programmes and offices, as well as to Specialized Agencies and to the UN missions deployed in various parts of the world where the Court is involved. The Court draws on its Liaison Office in New York to support dialogue with relevant UN offices and member States. In May 2024, the Liaison office assisted in organizing the UN-ICC roundtable that brought together ICC and its counterparts from the UN Headquarters and various UN agencies, to discuss cooperation between the two institutions. The Liaison Office follows up on urgent requests for cooperation upon request by various sections of the Court including to support Defence's investigations. To maintain and strengthen this crucial relationship, the three Principals visited New York during the reporting period and held discussions with senior UN officials, as well as with representatives of member States.

22. The Court continues its work to ensure maximum flexibility and optimising operations in relation to its offices and presences in situation countries. This includes more effective allocation of resources across all situations before the Court, including with respect to those situations where the Court does not have a continuous field presence, to ensure that its mandated tasks are performed to the highest standards. Following the opening of the Ukraine Country Office in September 2023, the Court maintains a full-time physical presence in six situation countries, namely Uganda, Democratic Republic of the Congo ("DRC"), Central African Republic, Côte d'Ivoire ("CIV"), Mali and Ukraine. Some of the Court's field presences such as for instance those in CIV, DRC and Georgia have been scaling down or have been closed during the reporting period. The OTP finalised arrangements for the establishment of its field office in Caracas, while also continuing to maintain an enhanced field presence in Bangladesh and agreeing to establish a field office in Bogota in order to support complementarity and cooperation activities.

23. The Country Offices and field presences provide in-country security, administrative and logistical support to the activities of the parties and participants to the proceedings before the Court, notably the OTP, defence teams, legal representatives for victims, and the Trust Fund for Victims. The Country Offices also handle a number of Registry functions in relation to witness protection, victim/witness participation and reparations related activities, outreach and cooperation. Engagement and cooperation with national and local authorities, international organisations and the diplomatic community are among the key aspects in the work of the Country Offices and field presences, without which the Court could not maintain sustainable operations in situation countries.

24. Besides cooperation in support of the Court's activities, the Court wishes to recall also the challenges related to non-cooperation. In this regard, the Court welcomes the ASP's request for the Bureau in the context of the 2019 Resolution on the Review of the ICC and the Rome Statute system to address the issues of cooperation and non-cooperation with the ICC "as a matter of priority in 2020 through its working groups and facilitations, in a fully inclusive manner [and] in line with their mandates."¹¹ In furtherance of prerogatives and obligations under the Statute, it is hoped that the ASP will continue to consider opportunities to increase its efforts with a view to preventing non-compliance, especially in the critical matter of the arrest of persons subject to warrants issued by the Court. The Court hopes that further consultations will take place with a view to reviewing and strengthening the ASP procedures relating to non-cooperation, as well as to developing guidelines regarding the formal dimension of the ASP procedures regarding non-cooperation.

25. The Court would also like to highlight again that the capacity of the UN Security Council to refer a situation to the Court is a crucial tool to promote accountability and avoid an impunity gap. This is reflected in the continuation of the first trial at the Court stemming from a UN Security Council referral in the case of Mr. Abd-Al-Rahman. In his reports to the Security Council in relation to the situations in Darfur and Sudan, the Prosecutor outlined in detail the key cooperation opportunities and challenges faced by the Office, emphasizing in both situations the need for deepened cooperation with national authorities.

¹¹ ICC-ASP/18/Res/7, para. 18.

26. It is essential that there is active follow-up to referrals by the Council in terms of ensuring cooperation from all relevant stakeholders and for as long as the warrants have not all been executed, so as to ensure that effective justice can be delivered when peace, security and well-being of the world are threatened.

3. Priority area 3: Arrest and surrender

<i>Registry</i>	
Total number of RFCs sent during the reporting period for arrest and surrender¹²	261
Average time needed for reply	N/A
% of positive replies to RFCs during the reporting period	0% - No ICC arrest warrant has been executed during the reporting period

Update on ICC efforts during the reporting period

27. The lack of implementation of arrest warrants has been identified as a major strategic risk for the Court's effective delivery of its mandate. No ICC request for arrest and surrender or provisional arrest has been executed during the reporting period. At the same time, the number of arrest warrant applications from the OTP has significantly increased, reaching unprecedented levels.

28. Against this backdrop, efforts to elevate the matter of suspects at large to a higher political level are crucial to help encourage States Parties to get actively involved and to encourage the execution of requests for arrest and surrender or provisional arrest. The support of France and Senegal, the co-facilitators of the HWG on Cooperation, has been instrumental in emphasizing and highlighting the importance of State cooperation and in particular, in relation to the implementation of arrest warrants.

29. Arrest operations may be complex to put in motion and require significant efforts by the requested States. However, without arrest no accountability process can start. Reflecting on the identified strategic risk and taking into account practice and lessons from other international tribunals, the OTP and the Registry are seeking to strengthen their capacity to more effectively support tracking and arrest efforts, with a view to ensuring a more robust analysis, enabling the Court to work closely together with States Parties and other stakeholders to ensure greater effectiveness in the arrest of suspects at large. In that vein, the inter-organ Suspects At Large Working Group was revitalized and convenes on regular basis to ensure a continuously systematic and coordinated approach on suspects at large within the Court. Furthermore, given its role as the executive arm of the Court, the Registry consults regularly with and seeks guidance from the relevant Chambers with respect to steps and actions taken or required for the implementation of judicial decisions and orders (including arrest warrants).

30. The OTP has requested in the Proposed Programme Budget for 2025, five GTA positions at different junior levels, to ensure a properly reconstituted tracking function in the Office, building on the limited resources allocated to this function, to more effectively profile suspects, identify their support networks and financial resources, and track their movements. These are essential functions to ensure the centralised tracking of relevant information from unified teams, identification of leads, collection and analysis of information, continuing to exploit synergies with the Registry, cooperation with States, and effective information management of highly sensitive data and sources.

¹² Requests are sent to States where suspects are likely to travel. However, suspects may not travel to these countries. A low percentage of positive reply is not indicative of a lack of cooperation by requested States.

31. Arrest warrants against 26 publicly known suspects at large remain outstanding:
- i. Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;¹³
 - ii. Uganda: Joseph Kony, since 2005;
 - iii. Darfur: Ahmad Harun, since 2007, Omar Al-Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; Abdallah Banda, since 2014;
 - iv. Kenya: Walter Barasa, since 2013, and Philip Kipkoech Bett, since 2015;
 - v. Libya: Saif Al-Islam Gaddafi, since 2011, Abdurahem Khalefa Abdurahem Elshgagi, Makhlouf Makhlouf Arhoumah Doumah, Nasser Muhammad Muftah Daou, Mohamed Mohamed Al Salheen Salmi, Abdelbari Ayyad Ramadan Al Shaaqi and Fathi Faraj Mohamed Salim Al Zinkal, since 2023, unsealed in 2024;¹⁴
 - vi. Mali: Iyad Ag Ghaly, since 2017;¹⁵
 - vii. Central African Republic II: Mahamat Nouradine Adam, since 2019, unsealed in 2022;
 - viii. Georgia: David Georgiyevich Sanakoev, Gamlet Guchmazov and Mikhail Mayramovich Mindzaev, since 2022;
 - ix. Ukraine: Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova since 2023; and Sergei Ivanovich Kobylash, Viktor Nikolayevich Sokolov, Sergei Kuzhugetovich Shoigu and Valery Vasilyevich Gerasimov, since 2024.¹⁶

32. The Court calls upon States Parties and others to provide the necessary cooperation and assistance for the arrest of the suspects and their surrender to the Court and encourages States to engage with the Court on the basis of Article 97 of the Rome Statute when facing difficulties in its execution. As a result of the inter-organ retreat held in July 2024, the Court developed recommendations for increased engagement with States Parties on the implementation of outstanding ICC arrest warrants and envisages for these recommendations to drive the interactions between States Parties and the Court improving cooperation on suspects at large.

33. Through its dedicated Working group and its external relations efforts, the Court on its side will continue to promote further informal exchanges and coordination with States and relevant intergovernmental organizations to share information and develop concrete strategies towards arrests. At the same time, the Court encourages all relevant stakeholders to re-commit and make meaningful strides to address this crucial challenge to the cooperation regime and the credibility of the Rome Statute system.

III. Update and key recommendations on the three other cooperation priority areas not linked to data collection (legal mechanisms and procedures for cooperation; identification, freezing or seizure of assets; cooperation agreements; diplomatic and public support; and inter-State cooperation)

1. Priority area 1: Enacting the legal mechanisms set in the Rome Statute and setting up effective procedures and structures regarding cooperation and judicial assistance

Update on ICC efforts during the reporting period

34. The enactment by States of legal mechanisms and the setting up of effective procedures to facilitate cooperation and judicial assistance remains of paramount importance to the Court's activities.

¹³ Efforts are being undertaken to verify the reported death of Sylvestre Mudacumura (in 2019).

¹⁴ The arrest warrants issued initially as under seal in 2023 were unsealed in October 2024, outside of the reporting period.

¹⁵ The arrest warrant issued initially as secret has become public in 2024.

¹⁶ While the warrants are secret, the Chamber has authorized the Registry to make public their existence, the names of the suspects and the legal qualification of the alleged crimes, considering that public awareness of the warrants may contribute to the prevention of the further commission of crimes pursuant to article 58, paragraph 1(b)(iii) of the Rome Statute.

35. The Court organized over ten seminars and events in support of the Court's efforts to foster cooperation with States with funding of the European Union, including a high-level regional seminar in Seoul, Republic of Korea, a training for Counsel at the ICC, a visit of Ukrainian Cooperation Focal Points to the Court, and a witness protection training in Uganda.

36. Missions to States Parties provide important opportunities for engagement with counterparts from different ministries and other government services that are part of the national effort to cooperate with the Court and allow the Court to identify specific focal points as well as areas of further cooperation (including cooperation agreements). They can also be used as opportunities to raise awareness of the Rome Statute and the Court within a variety of relevant pools of interlocutors. With funding from the European Union, the Court organized several high-level and working level missions, in particular, to the Republic of Korea, Japan, the United States of America, the Central African Republic and France.

37. As paragraph 19 of the 2023 Resolution on Cooperation stresses, it is a matter of priority that States that have not yet done so become parties to the Agreement on Privileges and Immunities of the ICC ("APIC"), and that they incorporate it in their national legislation, as appropriate. States Parties are under an obligation stemming from article 48 of the Rome Statute to "respect such privileges and immunities of the Court as are necessary for the fulfilment of its purposes". Paragraphs 2-4 of article 48 furthermore provide for the privileges and immunities of specific categories of Court officials and other persons. However, the general nature of article 48 may give rise to differing interpretations of the exact scope of the Court's privileges and immunities in concrete situations.

38. Indeed, the Court faces various challenges in the context of its operations relating to the interpretation or application of the relevant legal provisions, or the absence of necessary privileges and immunities. In instances of travel to States that have not become parties to the APIC, the Registry has to send note verbales based on article 48 and invite States to grant the privileges and immunities, instead of relying on existing legal protections covered by the APIC. Given the current and potential future contexts of operation of the Court, as well as the liability issues that can be attached, the lack of these legal protections for staff can have clear legal, financial and reputational consequences for the Court and States. The APIC increases legal clarity and security by specifying in detail the scope of the Court's privileges and immunities. By becoming parties to APIC, States can ensure consistent and unambiguous application of the Court's privileges and immunities on their territory.

2. Priority area 4: Identification, freezing and seizing of assets

Update on ICC efforts during the reporting period

39. The Registry has been reviewing its process and practices related to the identification, freezing or seizure of assets. In this regard and following the recommendations of external auditors, the Registry established within the Counsel Support Section a new position of an Indigence Assessment Officer. This position will be responsible for collecting and analysing information from persons applying for legal aid to determine on a prima facie basis whether the applicant is indigent in order to benefit from the legal aid. Such analysis may be conducted with the assistance of States, which may provide information related to the assets of the defendant upon the Registry's request. Regarding the recovery of assets for the purpose of their eventual reparations to victims and other purposes outlined in article 93(1)(k) of the Rome Statute, the Registry continued its effort to analyse existing case law and replies from States in order to identify lessons learnt that could be used by the Court and States when working on the issue of the recovery of assets. In this spirit, the Registry continues to liaise with one State to develop a *vademecum* retracing the procedure to be followed to execute a request for identification, freezing, seizure and confiscation of assets at the domestic level in consultation with the different stakeholders concerned. The Registry hopes to replicate this initiative with other States. The Court also updated the forms sent to all States in the context of the facilitation on cooperation to obtain more information regarding the existing systems at the national level in this area. It has also engaged with UN and European law enforcement agencies to explore initiatives facilitating the collection of financial intelligence and with NGOs advocating for robust implementing legislations enabling victims to obtain reparations. This area of cooperation will be a priority of the proposed new Judicial Cooperation Support Section of the Registry.

40. In line with its Strategic Plan for 2023-2025, OTP has developed a renewed strategic plan for financial investigations including the establishment of a dedicated Financial Investigations Unit. This Unit will benefit from positions approved in the 2024 budget of the Office, recruitment of which is now close to completion. Through its work, the Unit will provide specialised and dedicated support to teams/units in order to harmonize and coordinate financial investigations; develop standards and training in this field; coordinate with the Registry and develop specialised external cooperation/support networks. This renewed structure is required in order to bolster the ability of the Office to collect financial evidence for article 5 crimes and to identify and trace proceeds, property, assets and instrumentalities of crime for the purpose of potential Court ordered forfeiture.

3. Priority area 5: Cooperation agreements

Update on ICC efforts during the reporting period

41. The Court did not sign any agreement on the enforcement of ICC sentences of imprisonment during the reporting period but has been advancing its negotiations with several States Parties, including with a focus to ensure adequate geographical representation. Agreements on the enforcement of sentences are currently in force between the ICC and 14 States Parties. These agreements do not concern a particular sentenced person but set forth a general legal framework enabling States Parties to potentially accept the enforcement of an ICC sentence of imprisonment on their territory. Pursuant to article 103(3)(a) of the Rome Statute, “States Parties should share the responsibility for enforcing sentences of imprisonment, in accordance with principles of equitable distribution”. The Presidency of the Court continued to actively raise this important aspect of voluntary cooperation with a large number of States, which continues to increase in importance as more proceedings before the Court progress toward conclusion. The Court encourages all States Parties to conclude an agreement on the enforcement of sentences with the Court.

42. The Registry continues its efforts and actively engages with State’s representatives of embassies as well as representatives from capitals in order to provide information in relation to the framework agreements on interim release, release and witness relocation, and encourages States to sign the mentioned voluntary cooperation agreements. Despite these efforts, the number of States signatories remain unchanged since the last report and significant resources of the Registry are allocated in order to identify and implement *ad hoc* solutions.

43. As emphasized repeatedly by the Court, the consequences of the lack of agreements paired with the low interest of States Parties to cooperate with the Court for the purpose of accepting released persons, still poses a serious risk to the Court on its possibility to implement its mandate and respect the right of the defendants. The release of Mr Maxime Geoffroy Eli Mokom Gawaka in October 2023 following OTP’s withdrawal of charges and subsequent order of the Chamber, demonstrated the Court’s limitations to implement such a release without the support of the States Parties.

44. Although during the reporting period no order granting an interim release was issued, the very low number of States who signed the agreement on interim release is not satisfactory. 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.

45. The Registry signed 24 relocation agreements with States Parties for the relocation of witnesses appearing before the Court. The Registry strongly encourages States to enter into relocation agreements with the Court, which can be tailored according to their needs, culture and legislations requirements. The Registry notes with regret that various States that have signed a relocation agreement have not implemented the said agreement and have therefore not received any ICC witnesses on their territory. The Registry encourages these States to make this theoretical commitment concrete by accepting even only one family per year. This would allow the Court to perform its mandate and the Registry to efficiently protect witnesses. The ICC witness protection system and the ability of the Court to enable witnesses to safely testify depends on such tangible engagement. The Registry continues its efforts to increase the number of relocation agreements and *ad hoc* cooperation requests with partner States that did not yet sign such an agreement. The regulations of the Special Fund for Relocations were recently amended aiming to permit a more flexible use of the funds donated to cover direct relocation costs.

46. Another matter of key importance is the Trust Fund for Family Visits. As family visits to indigent detainees (currently five) are subsidized entirely through voluntary contributions by States, non-governmental organizations and individuals to the TFFV, the full and timely implementation of these essential rights is intrinsically linked to the availability of adequate funding. During the reporting period, the TFFV received 45,772 Euros. The Court is very grateful to all the contributing States over the years for all contributions, small or large. In order to be able to continue organizing funded family visits for all indigent detained persons in 2025 it is vital that stakeholders, States and others, cognisant of the current situation, maintain efforts towards a sustainable and adequate funding. Only a perennial funding will ensure the integrity of the proceedings, the proper management and administration of the ICC Detention Centre and avoid the Court incurring additional cost.

47. Another increasing area relates to the operational support to the Court. The Court operations have expanded in war zones requiring adequate training of the staff deployed in the area of medical emergency, use of specific firearms for example to secure the guarantee of sensitive operations and urgent need for transportation. These needs translate into the issuance by States Parties of authorisations and licences in relation to these firearms, specific flights authorisations and loans of aircrafts. The Court thanks the States Parties for their general support to the Court and those States that accepted to include ICC staff in relevant national trainings.

4. Priority area 6: Diplomatic and public support in national, bilateral, regional and international settings

Update on ICC efforts during the reporting period

48. The Court continued to engage with its long-standing partners, notably including the States Parties to the Rome Statute, the UN, and international and regional organisations as well as civil society. The Court welcomes Armenia as its 124th State party after ratification of the Rome Statute on 14 November 2023, entering into force on 1 February 2024 and highlights the ratification of the Rome Statute by Ukraine's parliament on 21 August 2024, remaining expectant of its entry into force.

49. The Court's security posture has undergone a transformative shift because of its recent work in various situations, including most prominently that of Ukraine and the State of Palestine. As such, the security of the ICC and its officials was one of the highest priorities of the Court's leadership during the reporting period in light of the increasing external threats against the institution, adding to pre-existing unwarranted and unjustified coercive measures such as the arrest warrants issued by the Russian Federation against several judges and the Prosecutor of the Court on account of their performance of their independent mandates as elected officials of a multilateral judicial institution.

50. The Court has taken prompt action to respond to these attacks and threats through working on prevention and resilience and is highly appreciative of the concrete assistance provided by several States Parties, in particular the Host State, to mitigate their impact. While making unprecedented progress in enforcing international law and advancing the global fight against impunity, the Court and its officials are being subjected to increasing attacks and threats from external actors. Gravely concerned about this worrisome trend, the Court's leadership has called upon States and the international community at large to redouble their commitment to the Court and its independence to enable it to effectively carry out its mandate of justice.

51. The Court continued to develop its interaction and cooperation with international and regional organizations as key partners for promoting universality of the Rome Statute, raising awareness of the Court's work, adopting national implementing legislation, enhancing cooperation and promoting wider geographical representation.

52. The Presidency of the Court actively engaged with senior authorities to illustrate the dire security situation the Court faces and the need for urgent and tangible action by States Parties. In view of the threats and coercive measures directed at the Court and its elected officials, the President underlined the significance of firm political support for the Court and its independence as well as the crucial importance of cooperation for the Court's ability to carry out its mandate in an impartial manner and urged all partners to do their utmost in this respect. The Presidency maintained close cooperation with the Host State with a view to addressing *inter alia* issues concerning the security of the Court. The Presidency is undertaking steps to

enhance its external relations capacity, in view of the extraordinary circumstances the Court currently operates under and the unique functions of the Presidency, and the position of a P2 position external relations officer that has been requested in the Proposed Programme Budget for 2025 is vital to enhance relations with State Parties of all regions.

53. The Prosecutor's biannual briefings to the Security Council on the Darfur situation and Libya situation provided opportunities to inform the Council and the UN membership of progress and challenges in relation to the Office's investigations, and the importance of cooperation including with regard to the outstanding arrest warrants. In May 2024, the Prosecutor outlined in his briefing to the Council a Roadmap for completion of the investigation phase of activities in relation to the situation in Libya, building on the renewed strategy for action in relation to this situation originally set out in 2022. In January 2024, the Prosecutor briefed the Council on the situation in Darfur from Chad where he had the opportunity to engage with communities affected by the escalating violence in the region. The Court believes that, building on past exchanges, the dialogue between the Court and the Council on matters of mutual interest, both thematic and situation-specific, could be further enhanced, with a view to strengthening synergies between the respective mandates and further developing working methods.

54. The Court, and the OTP in particular, is grateful for the support demonstrated by the States Parties and other States serving at the Council. The Office has benefitted from formal and informal exchanges in addition to the strong expressions of support, including in the context of media stakeout sessions organised by the ICC focal points on the Council on behalf of the ICC State Party Caucus members following briefings by the Prosecutor to the Council.

55. The Court continued to enhance its engagement with regional the groups of States via different meetings with States representatives in The Hague, New York and Brussels. The President addressed the Hague Working Group and the New York Working Group and convened a meeting in New York with Ambassadors from the Asia-Pacific group of States, calling for continued support and greater representation from the region. The Office also continued its practice of meeting at regular interval with different groups of States, in various formats and venues. Such engagements have included meetings in The Hague with Ambassadors from various regional groups and subgroups, and bilateral visits to situation countries and other States, including States not Party to the Rome Statute, across all continents. The Court's organs engaged in many forms of interaction and cooperation with various entities of the European Union.

56. The Office has sought to continue benefiting from the expertise and input of civil society organisations, both with respect to the implementation of effective investigations and prosecutions and in the development of its broader policy framework. To this end, the Office has deepened its dialogue through the establishment of Complementarity and Civil Society team within the External Affairs Unit and the designation of an Office-wide contact person, the development of the OTP-CSO Structured Dialogue in line with the Policy on Complementarity and Cooperation, and increased interaction in the form of thematic roundtables and regular consultations.

57. The Complementarity and Civil Society team has held multiple consultations with civil society organisations in support of a consistent and coordinated approach to major civil society engagements. These consultations have led the development of an OTP-CSO Structured Dialogue initiative aimed at facilitating quarterly sessions where the Office and a broad range of civil society organisations will address cross-cutting issues including those pertaining to the Policy on Complementarity and Cooperation and more broadly to other topics related to the engagement between the Office and CSOs, survivors and victims' groups.

58. In addition, the Office has held thematic consultations in furtherance of its efforts to enhance its policy framework. On 27 and 28 November 2023, the Office of the Prosecutor welcomed 124 representatives of 56 civil society organisations from 36 countries to participate in a roundtable on trauma-informed approach to investigations and prosecutions. The roundtable highlighted scientific research around trauma, standards and best practices and focused on the intersection between mental health care and accountability efforts. On 22 January 2024, the Office hosted a conference addressing cyber-enabled crimes through the Rome Statute system gathering more than 100 cybersecurity and technology experts, civil society organisations, representatives of states and other partners. The discussions of this conference focused on the practical implications of the misuse of cyberspace to commit or facilitate ICC crimes.

59. In relation to the development of its policy on slavery crimes, from January to May 2024, the Office conducted 11 hybrid and in-person external consultations with 152 participants from at least 51 countries, including survivor communities, civil society organizations, advocates, academics, national authorities, international organisations, investigative mechanisms and other justice actors.

60. The Court greatly values the activities that civil society partners undertake to raise awareness about the Court, to promote the universality of the Rome Statute and to encourage the Statute's full implementation and continued to participate in those activities. From 24 to 28 June 2024, the Court held, in hybrid format, an annual round table with non-governmental organizations.

5. Priority area 7: Inter-State cooperation in the context of the Rome Statute system

Update on ICC efforts during the reporting period

61. Progress on many of the concrete areas of cooperation of concern for the Court can benefit from exchanges of experience and expertise, as well as mutual assistance between States, as well as between States, the Court and other relevant partners. The Court attempts to promote these exchanges in the context for instance of the annual focal points' seminar, in the cooperation agreements it negotiates with States; as well as by availing the expertise it has developed in the many areas of its work in its twenty-two years of operations. Some of these aspects are further detailed in the Court's 2012 report on complementarity¹⁷.

62. Much like inter-State cooperation combines elements of cooperation and complementarity, this is also the case where the Court provides assistance to national jurisdictions in accordance with the Rome Statute for the purpose of domestic proceedings. The OTP has been able to increase its support for efforts by national authorities to fight impunity, including by providing tangible support to domestic proceedings in relation to core international crimes and other serious crimes, in a manner consistent with the Rome Statute. This has included enhanced efforts in the context of the JIT for Ukraine and the JT for Libya; cooperation and the provision of support to the Special Criminal Court in the CAR; the organisation and implementation of national workshops in the DRC to develop a national strategy through priority cases; the finalisation of arrangements for a field office in Caracas; the signing of an Agreement between the Office and the Government of Colombia to establish a complementarity office in Bogota, in addition to the holding of a number of events and engagements in line with the complementary workplan in place with the Special Jurisdiction for Peace.

63. This year, the Registry, OTP and Secretariat of the Assembly of States Parties also agreed a standard operating procedure to handle requests stemming from the ASP Complementarity Platform. This more structured approach to the triage and actioning of requests has already shown benefits to engagements with national authorities interested in receiving the support of the Court.

64. Another notable positive development was the signature by more than 30 States, at a Signing Conference in The Hague on 14 and 15 February 2024, of the Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes also known as the Ljubljana-The Hague MLA Convention. The Court continues to express support for the initiative, which is important for strengthening the ability of States to effectively exercise jurisdiction over Rome Statute crimes through enhanced cooperation.

IV. Conclusion

65. The Court looks forward to continuing its active engagement with States Parties, including through the Bureau's cooperation facilitation, to identify additional creative, tangible and concrete solutions to address the cooperation priorities enumerated above and in view of the new challenges embraced by the Court. The Court warmly welcomes 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, including, *inter alia*, in the context of the

¹⁷ ICC-ASP/11/39.

work plan of the cooperation facilitation for the year 2024 with a view to strengthening the Court and the Rome Statute system. 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.

V. Recommendations on the way forward

66. Based on the analysis of the main challenges regarding cooperation in support of investigative, prosecutorial and judicial activities, and in the set-up of effective procedures and structures regarding cooperation and judicial assistance, the Court has identified the following recommendations which remain relevant:

- *Recommendation 1:* States should strive to maintain a high level of cooperation for all requests from the Court, including requests that might be perceived as sensitive or technically complicated at first glance.
- *Recommendation 2:* States could consider facilitating consultations between the Court organs formulating the requests and the competent national authorities ultimately in charge of executing them with a view to finding solutions together; suggesting potential alternative ways to assist or transmit the information sought; or organising bilateral meetings to follow up on the execution of such requests.
- *Recommendation 3:* 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, all contribute to a smoother, more efficient cooperation.
- *Recommendation 4:* States should consider implementing necessary measures at the national level in order to support the conduct of voluntary witness interviews by the Office on their territory, including enacting domestic legislation where necessary in order to enable such activities without significant international cooperation requirements such as formal requests for assistance.
- *Recommendation 5:* States should consider informing the Registry on whether they would prefer to receive requests for cooperation from the Defence teams through the Registry or directly from the teams.
- *Recommendation 6:* States could consider specific discussion among States and the ICC on the challenges and impediments (whether legal, technical, logistical or financial) faced by States to answer Defence requests for cooperation.
- *Recommendation 7:* States should proactively consider the extent to which the work of their domestic authorities may benefit from the provision of support by the ICC, in particular through the provision of information by the OTP within the framework of the OTP Complementarity and Cooperation Forum.
- *Recommendation 8:* States should consider making voluntary donations to the existing Trust Funds relevant to cooperation with the Court, including those pertaining to family visits for detained persons, the relocation of witnesses, and, for OTP, the new Trust Fund for Complementarity.
- *Recommendation 9:* Ensure the necessary resources and the security parameters for the national focal points liaising with and supporting the work of the Court.

67. Based on its experience, the Court believes that in order to galvanize arrest efforts, different types of actions are needed for each warrant at different stages, all of relevance to States. These notably include:

- Tracking efforts (whereabouts, movements, activities):
 - *Recommendation 10:* Make available judicial measures and tools to facilitate access to information on the whereabouts of suspects, including access to special investigative techniques and tools in the hands of national law enforcement and intelligence services as needed (including solely for the purpose of validating or invalidating information collected by the Court).

- Recommendation 11: Ensure effective resourcing of the tracking function of the Office and the Registry based on a strategic assessment of its needs in this area conducted in the last year.
- Recommendation 12: Transmission of information and alerts on suspects.
- Recommendation 13: Enhance support to the Suspects at Large Working Group, including through financial support through the ICC annual budget.
- Recommendation 14: Reactivity when information sent on suspects' movements.
- Increased engagement with States Parties on the implementation of outstanding ICC arrest warrants:
 - Recommendation 15: States Parties are encouraged to continuously emphasize the importance of executing ICC arrest warrants as an element for continued international support and situation engagement, including through leading demarches, bilateral or multilateral discussions.
 - Recommendation 16: Focus on compliance with ICC decisions, including as part of larger diplomatic discussions and fora.
 - Recommendation 17: Link arrests to the importance of the Court's mandate. Campaigns and reminders on the alleged crimes and the charges, especially in the situation where the investigations take place.
 - Recommendation 18: States Parties could support the Court's efforts in encouraging entities such as INTERPOL, Europol or any other relevant entity to provide support to the ICC on suspects at large.
 - Recommendation 19: States Parties could envisage publicizing domestically and internationally public ICC arrest warrants to help garner support from the international community, including States and CSOs.
 - Recommendation 20: States Parties could envisage, supporting the Court's efforts on suspects at large through short-term secondment of officials from States, who could provide regional or country specific expertise, and/or who could assist in developing specific arrest strategies. Also, expertise on rule of law enforcement related to suspects at large tracking would help the Court further improve the institutional setup on this important topic.
 - Recommendation 21: States Parties could further consider, with the support of the Court, forming a working group of relevant States who would engage and put efforts on specific ICC arrest warrants.
- Operational support:
 - Recommendation 22 Surrender procedures and availability of legal and technical processes (i.e. developed SOPs, including established procedures for different arrest/surrender/transfer scenarios, taking into account key elements that can influence legally and operationally the operations).
 - Recommendation 23: The integration of exceptions to UN travel bans for the fulfilment of a judicial process are also a useful tool for the ICC for the purposes of bringing arrested individuals to the Court, and these mechanisms need to be triggered on an urgent and simplified basis.
 - Recommendation 24: Consider signing an agreement for air transport in order to make the service available to the ICC when persons arrested are transferred to the seat of the Court. Only one State entered into this agreement to date.
 - Recommendation 25: Once information is obtained of the high likelihood of the arrest of a suspect at large and bearing in mind the high degree of confidentiality required in such operations, the Registry could, in consultation with the OTP and with the guidance and authorization of the relevant Chamber, establish a very small grouping of States for a specific ICC situation at hand that could assist with the collection and dissemination of information and provide direct or indirect operational support necessary in relation to the arrest of the suspect in question.

68. Based on its experience and assessment, the Court suggests the following recommendations in order to set up effective procedures and structures regarding cooperation and judicial assistance:

- Recommendation 26: The Court encourages States that have not yet ratified the Rome Statute to join the Court as to ensure the responsibility to support the ICC's judicial and prosecutorial functions.
- Recommendation 27: Clear procedures and distribution of roles and responsibilities at the domestic level in the national implementing legislation will help ensure the expeditious response to requests for assistance coming from the Court without any undue delay and, where incorporating the Rome Statute crimes in domestic legislation is concerned, that they can also investigate and prosecute such crimes before their national jurisdictions as relevant.
- Recommendation 28: 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.
- Recommendation 29: It has been the Court's experience that 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, is a best practice that should be fostered.
- Recommendation 30: All States Parties are strongly urged to ratify or accede to the APIC. States are also encouraged to implement the provisions relating to the Court's privileges and immunities in their national legislation, and to take active steps to ensure that the relevant national authorities are aware of the Court's privileges and immunities and their practical implications.
- Recommendation 31: As less than half of the 124 States Parties have adopted legislation in order to implement the cooperation obligations provided for in Part 9 to this date, the Registry of the ICC has availed itself in several instances during the reporting period to provide support and technical advice to interested States engaged in a domestic process to adopt cooperation implementing legislation. While the Registry will not provide substantive advice on matters of national concern, it is ready to participate in discussions and provide written submissions to national stakeholders at the request of the State on the key elements of Part 9 and share what has been its experience and lessons learned in the last twenty-two years of implementing the cooperation provisions with States Parties.

69. A number of important steps could indeed be taken by States to support the work of the Court in relation to the identification and freezing of assets:

- Recommendation 32: The adoption of the necessary legislation or procedures in line with Rome Statute obligations to be in a position to reply timely and effectively to relevant requests from the Court.
- Recommendation 33: Streamlining ICC specific needs domestically so that the prosecution of Rome Statute crimes triggers the same reflexes in terms of financial intelligence and investigations as the prosecution of financial crimes or transnational organised crimes.
- Recommendation 34: The secondment of national experts with specialisation in financial investigations in order to strengthen the capacity of relevant organs of the Court in this area.
- Recommendation 35: The opening of domestic investigations into possible financial crimes on the basis of information received by the Court so that States can use the full arsenal offered by their national law.
- Recommendation 36: The appointment of focal points on financial investigations and freezing of assets, without prejudice to the formal channels of communication identified by each State, to follow up on exchanges with the ICC as appropriate.
- Recommendation 37: Complete the questionnaire distributed to States on the financial investigations.

- Recommendation 38: Within the judicial context, by replying to the requests of Chambers and asking for clarification where required, States can contribute to shaping the Court's case-law on this complex matter.

70. Based on the efforts of the last six years to prioritize the signature of voluntary cooperation agreements, the Court has identified some recommendations for the consideration of States:

- Recommendation 39: States should consider concluding framework agreements on interim release, release, relocation of witnesses, transport of detained persons and witnesses and enforcement of sentences and accept cases on an *ad hoc* basis or within the framework of the said agreements.

- Recommendation 40: The inclusion of elements of the cooperation agreements in the provisions of national implementing legislation of the Rome Statute, which will facilitate the negotiation, if needed, with the Court, for the later operationalization of this cooperation; the Registry is available to advise States in this regard, if relevant.

- Recommendation 41: The possibility to engage in synergies between the cooperation and the complementarity facilitations, especially when considering the identified needs of certain States and available organizations or States that can share their expertise or provide capacity-building activities, including in areas covered by the cooperation agreements (such as witness protection, monitoring systems, reintegration programs or the national penitentiary systems).

- Recommendation 42: The possibility for States that have signed cooperation agreements with the Court to act as "goodwill Ambassadors" in their region and in their contacts with other States, in order to explain how they are working with the Court and to clarify implications and opportunities.

- Recommendation 43: The availability of the Court to take part in videoconferences or technical engagements with the relevant national stakeholders of interest countries, to discuss in detail the agreements and how they can function within the national legal framework of each State.

- Recommendation 44: The possibility of including the signature of cooperation agreements as an item in the agenda of meetings of regional groups.

- Recommendation 45: Utilizing, where necessary, the availability of the Special Fund for Relocations and of the Memorandum of Understanding with the UNODC signed in September 2014, which can contribute to neutralize costs for the State, as well as to enhance the national capacity of an interested State, not only to cooperation with the Court but also to strengthen its domestic system.
