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Report of the Bureau on cooperation

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I. Background

1. The resolution ICC-ASP/22/Res.5 on Cooperation, adopted by the Assembly of States Parties (“the Assembly”) on 14 December 2023, requested the Bureau “to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States and relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court”.¹
2. The resolution also requested the Bureau, through the facilitation on cooperation, in accordance with the resolution on the Review of the International Criminal Court² and the Review Mechanism’s Comprehensive Action Plan,³ to continue to review the implementation of the recommendations related to cooperation as appropriate, and to report thereon to the Assembly at its twenty-third session.⁴
3. The resolution further requested the Bureau, through the facilitation on cooperation, to continue to address a number of issues that have been priorities in recent years, and as a matter of priority: to continue the work to further develop the content of the Secured Platform on Cooperation; to hold consultations on the advisability of developing regional thematic focal points on cooperation, of creating a permanent structure for a network of national practitioners and focal points on cooperation, and on the deepening of the relationship between the United Nations and its agencies and entities, including for capacity-building purposes in order to foster cooperation with the Court.⁵
4. The resolution additionally requested the Bureau, through its working groups, to continue the discussions on voluntary framework agreements or arrangements and to report thereon to the Assembly at its twenty-third session.⁶ It also encouraged the Bureau, through its working groups, to continue its review of the implementation of the 66 recommendations, in close cooperation with the Court, where appropriate.⁷
5. On 6 March 2024 the Bureau re-appointed Ambassador Ramatoulaye Bâ Faye (Senegal) and Ambassador François Alabrune (France) as co-facilitators on cooperation.

II. Organization of work and main issues considered

6. In 2024, The Hague Working Group (“the working group”) held a total of four meetings or informal consultations on the issues of cooperation. Informal consultations were held throughout the year with representatives of the Court on the elaboration of the interactive platform on cooperation and on the future priorities of the facilitation on cooperation.

First meeting

7. At the first meeting on 5 April 2024, the facilitators presented the draft Program of Work. During the meeting, the Registrar provided an update on the Court’s security situation, noting the steps taken since mid-February to secure support for the Special Fund for Security. He noted that a prioritization plan had been introduced to implement key elements of the Court’s Cyber Security Review, with a goal of reducing vulnerabilities and enhancing resilience. An initial 4 million euros had been targeted for 2024, with remaining elements to be integrated into the 2025-2026 budgets. He noted that while approximately 2 million euros had been raised, a funding gap remained, and continued support from States was vital.
8. Regarding physical security, the Registrar noted that measures were being assessed but would not restrict public access to the Court’s proceedings. The security of field offices was also under review. He highlighted the importance of security for staff and former elected officials and the importance of witness relocation and arrests, with 17 public arrest warrants outstanding, and that a specialized unit within the Registry will focus on arrest efforts.

¹ ICC-ASP/22/Res.5, para 32.

² ICC-ASP/22/ Res.6.

³ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive Action Plan-ENG.pdf.

⁴ ICC-ASP/22/Res.5, para 34.

⁵ ICC-ASP/22/Res.5, para 35.

⁶ ICC-ASP/22/Res.5, para 25.

⁷ ICC-ASP/22/Res.5, para 33.

9. At the meeting Mr. Mamadou-Racine Ly (Adviser to the Prosecutor) provided an update on the implementation of recommendations related to cooperation. He noted that since May 2023, the Office of the Prosecutor (OTP) had implemented recommendations 268 to 271 on investigation strategies, including drafting a comprehensive operation manual.

10. Regarding recommendation 276, the OTP was finalizing its review of national laws and procedures to enhance cooperation with States in evidence collection. The OTP was also updating a database of relevant national laws, with close monitoring of States' responses to a cooperation framework questionnaire. He clarified that the Request for Assistance (RFA) database was used for internal OTP-State engagement and was not part of the cooperation platform, though it helped improving cooperation by adapting to individual State requirements.

11. Regarding recommendations 299 to 304 on the role of analysts, he noted that the OTP had made significant technological advances, particularly through the Harmony project, which, with its eDiscovery component, had improved data collection, preservation, and analysis capabilities, allowing analysts to manage large volumes of digital and multimedia evidence more effectively in conflict zones.

12. During the meeting, Mr. Aaron Matta (Legal Officer, Secretariat of the Assembly of States Parties) provided an update on the cooperation platform developed with the cooperation facilitators and the Court focal points. He noted that the platform originated from the 2018 Paris Declaration discussions, to enable States Parties to share information on cooperation procedures, particularly assets recovery, identification, freezing, and seizure in a secured and confidential manner. Its main objectives are to enhance information exchange, support cooperation, identify challenges in Court's requests, and increase awareness of cooperation obligations.

Second meeting

13. At the second meeting on 15 May 2024, Mr. Christian Mahr (Director of the External Operations Division, Registry) emphasized the critical role of arrests in the functioning of the ICC. He explained that much of the work surrounding arrests happens behind the scenes and remains invisible to States Parties. He highlighted the creation of the Judicial Cooperation Support Section (JCSS) on 1 January 2024, aiming at making arrests more systematic and strategic. He also mentioned plans for a retreat involving the Chambers, OTP, and Registry to review and enhance arrest strategies. He emphasized the need for active State involvement to secure arrests and noted that recommendations would be shared with States Parties after the retreat (see annex III of this report).

14. Ms. Rufina Khusniyarova (Acting Judicial Cooperation Officer, JCSS, Registry) presented the structure and role of the JCSS, which consists of two units, a Judicial Cooperation unit and a Suspects at Large unit. The former is responsible for handling all judicial cooperation matters and the latter is responsible for executing arrest warrants once issued by a Chamber, as well as developing arrest strategies, including locating suspects and sharing information with States to assist in executing warrants.

15. Mr. Mamadou Racine Ly provided updates on the implementation by OTP of IER recommendations R285, R286, and R290 concerning the tracking and arrest of fugitives. He announced the creation of the Special Projects and Suspect Tracking Unit under direct supervision of the Prosecutor. The new unit would also include the Suspect at Large Tracking Team (SALTT) which aims at tracking suspects' movements, create arrest opportunities, support arrest operations, and ensure the integrity of investigations and witness safety.

16. Regarding the issue of safety of personnel who have left the Court, Ms. Antonia Pereira de Sousa (Chief of the Office to the Registrar) addressed the security environment, noting the Court faced increasing threats, including arrest warrants against its officials, a cyber-attack, and other ongoing threats. She stated that the Court lacks the capacity to conduct its own security analysis and relies on cooperation from States Parties for strategic security assessments.

17. Mr. Thomas Henquet (Senior Legal Adviser, Head of Registry's Legal Office) presented a Concept Note outlining a framework for protecting ICC officials through privileges, immunities, and security measures. The Note proposed general protections against coercive or financial measures and specific security provisions for outgoing officials and their

families, such as transition security, briefings, and monitoring. Several States Parties supported the initiative, affirming their commitment to aiding the Court.

18. The Coalition for the ICC (CICC) noted that it had issued a statement in response to recent threats against the Court, urging States Parties to maintain unity and reaffirm their commitment to the Court's independence and global mandate.

Third meeting

19. At its third meeting on 7 October 2024, the facilitation addressed the joint mandate of the legal aid and cooperation facilitations regarding financial investigations. Ms. Cristina Ribeiro (Senior Coordinator, OTP) outlined the OTP's focus on financial investigations, noting that financial lines of inquiry are integrated into all investigations. She highlighted the significance of recent cases involving Article 70 offenses underscoring the need to track financial data to prevent justice evasion. She outlined plans to create a Financial Investigations Unit (FIU) and encouraged more secondments and training support from State Parties to strengthen expertise in this area.

20. Mr. Marc Dubuisson (Director of Judicial Services, Registry) outlined the Registry's role in financial investigations, focusing on determining legal aid eligibility and the need for State cooperation in accessing financial data. He explained how the legal aid process involves the assessment of indigence, providing provisional legal aid, and advancing funds to defense teams, and noted challenges such as the lack of domestic laws for legal aid reimbursement. He called for stronger partnerships with States and NGOs, knowledgeable focal points, and better coordination for effective assets recovery.

21. Ms. Alejandra Vicente (Head of Law, REDRESS) presented a REDRESS-commissioned study offering guidance to the ICC and national authorities on improving cooperation in this area. The study highlighted States Parties' obligations to comply with ICC requests, noting the need for adjustments in domestic legal systems. Key findings included a lack of timeframes for responses, insufficient enforcement mechanisms, and unclear regulations on managing seized assets. Ms. Vicente highlighted the Ljubljana - The Hague Convention as an opportunity for cooperation. She also shared recommendations, including greater transparency in assets evaluations and clearer domestic procedures.

22. Ms. Anne-Aurore Bertrand (Acting Chief of the Judicial Cooperation Support Section, Registry) summarized key discussions from the 18 July 2024 Court's retreat, which focused on the challenges with arrest warrants. The retreat emphasized improving methods and prioritizing enforceable warrants, with five selected for targeted efforts by year-end. Ms. Bertrand underscored the importance of political analysis in crafting strategic arrest approaches. The retreat also stressed the need for coordinated communication with States to avoid confusion and duplicate requests.

23. Mr. Thomas Lynch (Senior Adviser to the Prosecutor, OTP) highlighted the establishment of a dedicated unit focused solely on this issue with support from the Registry. Mr. Lynch underscored the collaboration between the Registry and OTP in tracking and arrest efforts, noting that while roles were still being clarified, progress was significant. He noted that the inter-organ retreat was deemed productive, yielding many positive insights that informed the document with recommendations that had been distributed to States Parties.

24. Ms. Bertrand provided an update on the EU-funded seminar held from 16 to 18 September 2024, highlighting the essential role of Focal Points in implementing cooperation requests. She noted challenges faced by States in meeting procedural requirements and called for dialogue to address these issues.

Fourth meeting

25. At its fourth meeting on 7 November 2024, Mr. Hiram Abtahi (Chef de Cabinet of the ICC Presidency), announced that Latvia and the ICC Presidency recently finalized a voluntary agreement on sentence enforcement, set to be signed on the first day of the upcoming Assembly of States Parties.

26. Ms. Bertrand outlined the Registry's cooperation agreements, primarily for victim and witness relocation, interim release, and release of persons, stressing their critical role for the Court. She noted that only two States had signed release agreements. These agreements are flexible frameworks meant to initiate discussions on the legal framework, without binding

obligations, as States assess cases on a case-by-case basis. She described the impact on defence rights, the Court, and budget due to limited cooperation, and urged more States to sign these types of agreements.

27. Ms. Natacha Schauder (Senior Manager at the Services Unit in the Victims and Witnesses' Section (VWS) of the Registry) presented the work of the VWS, which protects and supports the psychological well-being of victims and witnesses at the Court. The VWS assists all Court parties, manages the ICC Protection Programme, and collaborates with States for at-risk relocations. Key challenges include high relocation costs, limited Court capacity, and a shortage of international relocation partners. Relocation involves risk assessments and preparation, such as language and job training. She noted that the Special Fund for Relocation was amended in 2023 to allow broader financial support.

28. Ms. Pereira de Sousa presented an updated Concept Note on the protection of ICC officials, highlighting legal safeguards under the Rome Statute, the Agreement on Privileges and Immunities, and the Headquarters Agreement against coercive measures, and emphasized the need for dialogue with States on shielding officials from political and financial pressures, ensuring protection from persecution, and maintaining Court's operations. She proposed a guideline document for clarity, urging for strong language in the upcoming ASP resolution to protect the Court and its staff.

29. Ms. Karen Mosoti (Head of the ICC Liaison Office to the United Nations - NYLO) provided an overview of the ICC-UN relationship, highlighting the 2004 Relationship Agreement that grants the ICC observer status in the UN and facilitates cooperation in areas such as judicial assistance and witness protection. Ms. Amélie Becquart (Judicial Cooperation Adviser, External Affairs Unit, Office of the Prosecutor - OTP) highlighted the biannual ICC-UN roundtable as a key platform for reviewing cooperation, with a focus on OTP's growing reliance on UN support and new policies on complementarity, field deployments, and interviews with UN personnel. Ms. Khusniyarova reported that the final session addressed the UN's logistical support to the ICC, emphasizing the reliance on UN resources, confidentiality, and the importance of continued dialogue to strengthen cooperation.

30. Mr. Andreas Kleiser (Director for Policy and Cooperation, International Commission on Missing Persons - ICMP) presented on the ICMP, which is based in The Hague and assists governments in locating missing persons and supports criminal justice mechanisms with its extensive forensic capabilities, including DNA analysis and forensic archaeology. He noted that the organization had cooperation agreements with international tribunals, the ICC's OTP, and national institutions, and works closely with Ukrainian authorities. Mr. Kleiser also noted that the ICMP's mandate is evolving, with plans for expanded State Party participation, and expressed readiness to deepen cooperation with the OTP and the TFV.

31. Following brief updates from the OTP, Registry, and ASP Secretariat, the facilitators proposed marking all six remaining recommendations (R150, R275, R284, R331, R332, R361) as assessed and implemented, completing all 46 recommendations allocated to the facilitation. The facilitators thanked the Court and States, highlighting the positive impact of the review process on ICC functioning and cooperation with States Parties.

III. Recommendations

32. The working group recommended that the Assembly continues to monitor cooperation with a view to facilitating States Parties in sharing their experiences and considering other initiatives to enhance cooperation with the Court. The working group also recommended to monitor the implementation of the recommendations of the Report of the Independent Expert Review bearing in mind the past activities already undertaken, including the 66 recommendations adopted by the Assembly on cooperation in 2007, in order to take further action to improve cooperation with the Court and to continue including cooperation as a standing agenda item for future sessions of the Assembly, pursuant to operative paragraph 30 of resolution ICC-ASP/17/Res.3. The working group further recommended that the draft resolutions in annex I and II be adopted by the Assembly.

Annex I

Proposed Resolution on cooperation

The Assembly of States Parties,

Recalling the provisions of the Rome Statute, the Declaration on Cooperation (RC/Dec.2) agreed by States Parties at the Review Conference in Kampala and previous resolutions and declarations of the Assembly of States Parties with regard to cooperation, including ICC-ASP/8/Res.2, ICC-ASP/9/Res.3, ICC-ASP/10/Res.2, ICC-ASP/11/Res.5, ICC-ASP/12/Res.3, ICC-ASP/13/Res.3, ICC-ASP/14/Res.3, ICC-ASP/15/Res.3, ICC-ASP/16/Res.2, ICC-ASP/17/Res.3, ICC-ASP-18/Res.3, ICC-ASP-19/Res.2, ICC-ASP-20/Res.2, ICC-ASP-21/Res.3, ICC-ASP-22/Res.5 and the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2,

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

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

Welcoming the report of the Court on cooperation,¹ submitted pursuant to paragraph 39 of resolution ICC-ASP/22/Res.5,

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

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

Recognizing that such contacts may be deemed essential by the State Party,

Noting the guidelines setting out the policy of the United Nations Secretariat on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses issued by the Court, as annexed to a letter dated 3 April 2013 by the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council,²

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

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

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

¹ ICC-ASP/23/21.

² <https://documents.un.org/doc/undoc/gen/n13/280/47/pdf/n1328047.pdf>

Taking note of the “Independent Expert Review of the International Criminal Court and the Rome Statute System, Final Report”,³ dated 30 September 2020, prepared by the Independent Experts,

Taking note also of the resolution on Review of the International Criminal Court and the Rome Statute system⁴ requesting “the relevant Assembly mandates designated as responsible for assessing and taking possible further action, as appropriate, on relevant recommendations to continue with the assessment and, where necessary, to oversee implementation of the recommendations in 2024 and to submit to the Bureau the outcome of its consideration”,

Deeply concerned by the current security risks faced by the Court, including coercive measures taken against Court’s officials, the recent major cyber security breach, and ongoing attempts to undermine the Court’s cybersecurity, and *reiterating* the unwavering support of the States Parties for the Court, including through continuing to provide full and timely cooperation to the Court,

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

Execution of arrest warrants

2. *Expresses* serious concerns that arrest warrants or surrender requests against 30 individuals remain outstanding and *urges* States to cooperate fully in accordance with their obligation to arrest and surrender to the Court;

3. *Recalls* that international cooperation and judicial assistance are governed by Part 9 (articles 86-102) of the Rome Statute;

4. *Notes* the common efforts of the Office of the Prosecutor and the Registry to devise and implement common strategies and missions to foster the arrest of suspects within the inter-organ working group on arrest strategies created in March 2016;

5. *Notes also* the inter-organ retreat of the Court held on 18 July 2024 on the challenges posed by the execution of arrest warrants, and *welcomes* the recommendations for increased engagement with States Parties on the implementation of outstanding International Criminal Court arrest warrants of 18 September 2024, presented to States Parties;

6. *Reaffirms* that concrete steps and measures to secure arrests need to be considered in a structured and systematic manner, based on the experience developed in national systems, the international *ad hoc* and mixed tribunals, as well as by the Court, regarding both tracking efforts and operational support;

7. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants;

8. *Urges* States Parties to avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party, *welcomes* the efforts of States and international and regional organizations in this regard, and *acknowledges* that States Parties may, on a voluntary basis, advise the Court of their own contacts with persons subject to a warrant of arrest made as a result of such an assessment;

³ ICC-ASP/19/16.

⁴ ICC-ASP/22/Res.6, para 8.

Implementation legislation of the Rome Statute

9. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, in particular through implementing legislation and, in this regard, *urges* States Parties to the Rome Statute that have not yet done so to adopt such legislative and other measures, and to set up effective procedures and structures so as to ensure that they can fully meet their obligations under the Rome Statute regarding cooperation and judicial assistance;

10. *Acknowledges* efforts by States, by civil society organizations and by the Court, including through the Legal Tools Project, to facilitate exchange of information and experiences, with a view to raising awareness and facilitating the drafting of national implementing legislation and *underlines* the need to further exchange experience and best practices between States Parties;

Informal consultations and establishment of focal points

11. *Recognizes* the important work of the national focal points for cooperation to ensure efficient assistance and communication in the execution of cooperation requests, and enhance information exchange, as a critical function for the implementation of the Court's mandate;

12. *Encourages* States to establish a national focal point and/or a national central authority or working group tasked with the coordination and mainstreaming of Court-related issues, including requests for assistance, within and across government institutions, as part of efforts aimed at making national procedures for cooperation more efficient, where appropriate;

13. *Recalls* the report to the thirteenth session of the Assembly on the feasibility study of establishing a coordinating mechanism of national authorities,⁵ and *encourages* States Parties to continue the discussion;

14. *Emphasizes* the on-going efforts made by the Court in providing focused requests for cooperation and assistance which contribute to enhancing the capacity of States Parties and other States to respond expeditiously to requests from the Court, *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance and *further invites* States to consider offering consultations and facilitating meetings between the Court's organs formulating the requests and the competent national authorities ultimately in charge of executing them with a view to finding solutions together on ways to assist or transmit the information sought and when appropriate, to follow up on execution of requests and discuss on the most efficient way forward;

Financial investigations and freezing of assets

15. *Recognizes* that effective and expeditious cooperation with regard to the Court's requests for the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crime is crucial to the provision of reparations to victims and for potentially addressing the costs of legal aid;

16. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, and, *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitating cooperation between the Court, States Parties, other States and international organizations;

17. *Recalls* the importance of the non-legally binding Paris Declaration on asset recovery, annexed to resolution ICC-ASP/16/Res.2;

18. *Welcomes* the development of the digital platform to reinforce the exchange of relevant information between States Parties to encourage inter-State cooperation and to strengthen States' capacity to cooperate with the Court, to identify the practical challenges to

⁵ Report of the Bureau on cooperation, ICC-ASP/13/29, annex II and appendix.

the effective execution of the Court's requests for cooperation and to further raise awareness of the Court's mandate and requirements for financial investigations and asset recovery, and *decides* to continue the work with the Court and the Secretariat of the Assembly in order to enhance the platform further in 2025;

19. *Underlines* the importance of the Court's network of operational focal points in States Parties to enhance cooperation with the Court regarding financial investigations, tracing and freezing of assets, *encourages* the Court to continue this work in order to pursue the activities of this network and *also encourages* States Parties to support the functioning of that network;

Cooperation with the Defence

20. *Urges* States Parties to cooperate with requests of the Court made in the interest of Defence teams, in order to ensure the fairness of proceedings before the Court;

Agreement on the Privileges and Immunities of the International Criminal Court

21. *Calls upon* States Parties as well as non-States Parties that have not yet done so to become parties to the Agreement on Privileges and Immunities of the International Criminal Court as a matter of priority, and to incorporate it in their national legislation, as appropriate;

Voluntary cooperation

22. *Acknowledges* the importance of victims and witnesses' protection, as well as the ability for the Court to enforce sentences of convicted accused, interim release of accused and release of acquitted persons for the execution of the Court's mandate;

23. *Welcomes* the new Enforcement of sentences and Final release agreements concluded since the last resolution on cooperation,⁶ and *stresses* the need for more enforcement of sentences and final and interim release agreements or arrangements with the Court;

24. *Calls upon* all States Parties and other States, to consider strengthening their cooperation with the Court by entering into agreements or arrangements with the Court, or any other means concerning, *inter alia*, protective measures for victims and witnesses, their families and others who are at risk on account of testimony given by witnesses;

25. *Urges* all States Parties to consider making voluntary contributions to the Special Fund for Relocations that can be further used to cover for relocation costs and capacity building activities in States accepting witnesses and victims at risk on their territories;

26. *Emphasizes* that the need for cooperation with the Court on the enforcement of sentences and on interim and final release is likely to increase in the coming years as more cases proceed toward conclusion, *recalls* the principle enshrined in the Rome Statute that States Parties should share the responsibility for enforcing sentences of imprisonment and for the interim and final release, in accordance with principles of equitable distribution, and *calls upon* States Parties to actively consider the conclusion of agreements with the Court to this end;

27. *Commends and further encourages* the work of the Court on framework agreements or arrangements, or any other means in areas such as interim release, final release - also in cases of acquittal - and sentence enforcement which may be essential to ensuring the rights of suspects and accused persons, in accordance with Rome Statute, and guaranteeing the rights of convicted persons and *urges* all States Parties to consider strengthening cooperation in these areas;

28. *Requests* the Bureau, through its working groups, to continue the discussions on voluntary framework agreements or arrangements and to report thereon to the Assembly at its twenty-fourth session;

⁶ ICC-ASP/22/Res.5.

Cooperation with the United Nations

29. *Welcomes and further encourages* the increased cooperation between the Court and the United Nations, and other international and regional organizations, relevant mechanisms for collecting and preserving evidence, and other inter-governmental institutions with a view to fostering the prosecution of crimes falling within the jurisdiction of the Court;

30. *Urges* States Parties to explore possibilities for facilitating further cooperation and communication between the Court and international and regional organizations, including by securing adequate and clear mandates when the United Nations Security Council refers situations to the Court, ensuring diplomatic and financial support, cooperation by all United Nations Member States and follow-up of such referrals, as well as taking into account the Court's mandate in the context of other areas of work of the Security Council, including the drafting of Security Council resolutions on sanctions and relevant thematic debates and resolutions;

Diplomatic support

31. *Emphasizes* the importance of States Parties enhancing and mainstreaming diplomatic, political and other forms of support for, as well as promoting greater awareness and understanding of the activities of the Court at the international level, and *encourages* States Parties to use their capacity as members of international and regional organizations to that end;

32. *Encourages* all States Parties to continue to strongly demonstrate their diplomatic and political support for the Court, undeterred by any threats or measures against the Court, and to provide full support to the Court so that it can continue to operate effectively in the current enhanced threat environment;

Promoting dialogue with all stakeholders

33. *Welcomes* the work undertaken on the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,⁷ and *recalls* the flyer prepared by the Court that can be used by all stakeholders to promote the 66 recommendations and increase their understanding and implementation by relevant national actors and the Court;

34. *Takes note* of the Bureau's Report on cooperation,⁸ covering *inter alia*, the follow up to the Paris Declaration on financial investigations and assets recovery and the work on a secured digital platform on cooperation, arrests, security of the Court and its current and former staff, cooperation agreements, and other priority areas for 2024;

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

36. *Encourages* the Bureau, through its working groups to continue its review of the implementation of the 66 recommendations, in close cooperation with the Court, where appropriate;

37. *Encourages* the Bureau, through the facilitation on cooperation, in accordance with the resolution on the Review of the International Criminal Court⁹ to monitor the implementation of the recommendations related to cooperation as appropriate, and to report thereon to the Assembly at its twenty-fourth session;

38. *Also requests* the Bureau, through the facilitation on cooperation, to continue to address a number of issues that have been priorities in recent years, and as a matter of priority: to continue the work to further develop the content of the Secured Platform on Cooperation; to hold consultations on the advisability of developing regional thematic focal

⁷ Resolution ICC-ASP/6/Res.2, annex II.

⁸ ICC-ASP/23/23.

⁹ ICC-ASP/22/Res.6.

points on cooperation, of creating a permanent structure for a network of national practitioners and focal points on cooperation, and on the deepening of the relationship between the United Nations and its agencies and entities, including for capacity-building purposes in order to foster cooperation with the Court;

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

40. *Requests* the Bureau, through the facilitation on cooperation, to continue the work on arrests, including the recommendations for increased engagement with States Parties on the implementation of outstanding International Criminal Court arrest warrants of 18 September 2024, in close cooperation with the Court;

41. *Recognizes* the importance of ensuring a safe environment for strengthening and fostering cooperation between civil society and the Court and of taking all necessary action to address threats and intimidation directed at civil society organizations;

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

43. *Recognizing* the importance of the Court's contribution to the Assembly's efforts to enhance cooperation, welcomes the Court's report on cooperation,¹⁰ and *requests* the Court to submit an updated report on cooperation to the Assembly at its twenty-fourth session.

¹⁰ ICC-ASP/23/21.

Annex II

Proposed text for omnibus resolution

C. Cooperation

18. *Refers* to its resolution ICC-ASP/23/Res.[...] on cooperation;
19. *Calls upon* States Parties to comply with their obligations under the Rome Statute, in particular the obligation to cooperate in accordance with Part 9, and *also calls upon* States Parties to ensure full and effective cooperation with the Court in accordance with the Rome Statute, in particular in the areas of implementing constitutional and legislative framework, enforcement of Court decisions and execution of arrest warrants;
20. *Reaffirms* the importance of supporting all those cooperating with the Court, including States and relevant international bodies and entities, in order to secure the ability of the Court to fulfil its critical mandate of holding accountable perpetrators of the most serious crimes of concern to the international community and delivering justice to victims;
21. *Calls upon* States Parties to continue to express their political and diplomatic support to the Court, *recalls* the sixty-six recommendations annexed to resolution ICC-ASP/6/Res.2 and *encourages* States Parties and the Court to consider further measures to enhance their implementation and to strengthen their efforts to ensure full and effective cooperation with the Court;
22. *Urges* States Parties, in the face of threats or coercive measures as a means of attempting to impede or influence the work of the Court, to give full effect to the relevant provisions of the Rome Statute¹ and, as appropriate, the Agreement on the Privileges and Immunities of the International Criminal Court² concerning the privileges and immunities of elected officials, staff of the Court, counsel and persons assisting defence counsel, including their immunity which shall continue to be accorded after the expiry of their terms of office, termination of their employment with the Court or cessation of their functions, and to take any action if deemed necessary by the security or other assessment made by a State Party, in accordance with the existing legal framework, to ensure their security, safety and protection against any undue hindrance created by such coercive measures;
- OP22bis Welcomes* the Court's Concept Note on protection of former officials against coercive measures, prepared pursuant to paragraph 22 of ICC-ASP/22/Res.3 and its Annex I, as an important platform to facilitate the Court's engagement with States Parties on this subject, as well as *underlines* the importance of the recommended actions contained therein to protect elected officials against such coercive measures, and the need to adopt such measures in all relevant cases;
- OP22ter Reaffirms* the incompatibility of the consequences of coercive measures against the Court with States Parties' obligations under the Rome Statute, the Agreement on the Privileges and Immunities of the Court, and the Headquarters Agreement;
23. *Welcomes* the Court's report and comprehensive presentation on cooperation,³ which contained disaggregated data over the responses provided by States Parties, including highlighting the main challenges;
24. *Underlines* the necessity to continue the discussions on practical solutions to improve cooperation between States and the Court with a view to enhancing prospects for the implementation of pending arrest warrants;
25. *Recalls* that international cooperation and judicial assistance are governed by Part 9 (Articles 86-102) of the Rome Statute;

¹ Article 48, paragraphs 2 and 3 of the Rome Statute of the International Criminal Court.

² Article 15, paragraph 1, article 16, paragraph 1 (b) and article 18, paragraph 1 (b), of the Agreement on the Privileges and Immunities of the International Criminal Court.

³ ICC-ASP/23/21.

26. *Underlines* the necessity to continue the discussions between the co-facilitators on cooperation and the focal points on non-cooperation and the Court;
27. **[Placeholder for text based on ASP cooperation plenary debate];**
28. *Underlines* the importance of effective procedures and mechanisms that enable States Parties and other States to cooperate with the Court in relation to the identification, tracing and freezing or seizure of proceeds, property and assets as expeditiously as possible, and *calls on* all States Parties to put in place and further improve effective procedures and mechanisms in this regard, with a view to facilitating cooperation between the Court, States Parties, other States and international organizations;
29. *Recalls* the importance of the non-legally binding Declaration of Paris on asset recovery annexed to resolution ICC-ASP/16/Res.2, and the existence of the secured digital platform for States Parties to exchange relevant information on cooperation and financial investigations and assets recovery;

D. Mandates of the Assembly of States Parties for the intersessional period

With regard to **cooperation**,

- (a) *urges* the Bureau, through The Hague Working Group, to continue the work on arrests, including the recommendations for increased engagement with States Parties on the implementation of outstanding International Criminal Court arrest warrants of 18 September 2024 resulting from the inter-organ retreat of the Court on the challenges posed by the execution of arrest warrants, held on 18 July 2024, in close cooperation with the Court;
- (b) *requests* the Bureau, through its working groups, to continue the discussions on voluntary framework agreements or arrangements, and to report thereon to the Assembly at its twenty-fourth session;
- (c) *invites* the Bureau, through its working groups, to discuss the feasibility of establishing a coordinating mechanism of national authorities;
- (d) *also invites* the Bureau, through its working groups, to continue to strengthen the relationship between the Court and the United Nations and its agencies and entities, including for capacity building, to foster cooperation with the Court;
- (e) *invites* the Court to continue improving its practice in transmitting specific, complete and timely requests for cooperation and assistance, including by considering consultations with the State Party concerned when necessary;
- (f) *encourages* the Bureau, through its working groups, to continue its review of the implementation of the 66 recommendations on cooperation adopted by States Parties in 2007,⁴ in close cooperation with the Court, where appropriate;
- (g) *requests* the Bureau to maintain a facilitation of the Assembly of States Parties for cooperation to consult with States Parties, the Court, other interested States, relevant organizations and non-governmental organizations in order to further strengthen cooperation with the Court;
- (h) *encourages* the Bureau, through the facilitation on cooperation, in accordance with the resolution on the Review of the International Criminal Court⁵ to monitor the implementation of the recommendations related to cooperation as appropriate, and to report thereon to the Assembly at its twenty-fourth session;
- (i) *requests* the Court to continue to submit an updated report on cooperation to the Assembly at its annual session, containing disaggregated data over the responses provided by States Parties, including highlighting the main challenges;
- (j) *mandates* the Bureau, through its working groups, to continue discussions on cooperation on financial investigations and the freezing and seizing of assets as set out in the Declaration of Paris, including by continuing the work to further develop the secured digital platform;

⁴ ICC-ASP/6/Res.2, annex II.

⁵ ICC-ASP/19/Res.7.

(k) *requests* the Registry to engage with States Parties with regard to issues outlined in paragraph 22 and 22bis of this resolution on the implementation of the recommendations made in the Court's Concept Note on protection of former and current elected officials, staff of the Court, counsel and persons assisting defence counsel against coercive measures, including the development of guidelines, and to report to the Bureau, through the cooperation facilitation, in 2025 on the outcome of these discussions.

Annex III

Recommendations for increased engagement with States Parties on the implementation of outstanding ICC arrest warrants, 18 September 2024

Introduction

1. Given the current geopolitical situation resulting in increasing challenges and the need to adapt the working methods of the Court in consequence, the Registry and the Office of the Prosecutor (“OTP”) are in regular consultation to discuss ways to increase the likelihood of successful implementation of arrest warrants issued by the Chambers of the International Criminal Court (“ICC”). Furthermore, given its role as the executive arm of the Court, the Registry consults regularly with and seeks guidance from the relevant Chamber (“Chamber”) with respect to steps and actions taken or required for the implementation of judicial decisions and orders (including arrest warrants).
2. As part of the Court’s efforts, the Registry organized a confidential working level inter-organ retreat at the seat of the Court with the participation of relevant representatives from the Registry and the Office of the Prosecutor and in the presence of representatives from the Presidency and Judiciary on 18 July 2024. The sessions focused on 1) a full review of all outstanding arrest warrants (including the various actions taken by both the Registry and the OTP); 2) analyzing specific efforts made by both organs in order to facilitate the implementation of selected arrest warrants considered as priority given the realistic prospects for arrest and surrender; and 3) discussing the workflows and roles and responsibilities in relation to tracking and arrest/surrender strategies between the two organs. The Registry and OTP decided to re-vitalize the inter-organ Suspects At Large Working Group (SALWG). The primary goal of the SALWG is to convene on regular basis to ensure a continuously systematic and coordinated approach on suspects at large within the Court.
3. In light of the sensitivity and classification of operations conducted in the area of suspects at large, the details and content of the discussions held during the above mentioned retreat are maintained confidential and only available to the group of ICC representatives working on the respective matters. The Registry, however, intends to give a general overview of the outcome of the retreat in the course of a future Hague Working Group on Cooperation.
4. The Court is grateful for all the support it has received from States Parties in securing to the extent possible the implementation of ICC arrest warrants throughout the years, and recalls that States Parties are under an obligation to cooperate with the Court pursuant to Part 9 of the Statute. Therefore, after internal consultation, the Court wishes to share a set of recommendations with the co-facilitators of the Hague Working Group on Cooperation for discussion with all States Parties. These recommendations could be considered by States Parties and taken into consideration when deploying efforts in the area of suspects at large and more specifically in the implementation of outstanding ICC arrest warrants.
5. The proposed recommendations are categorized as follows in the present document: 1) Recommendations for an increased engagement on a more general level regarding the implementation of outstanding ICC arrest warrants; 2) Recommendations, in consultation with the Court, on possible activities on suspects at large on a situation level; and 3) Recommendations for possible support from specific States at the stage of an operation of arrest and surrender. Furthermore, the Court wishes to also share, at the end of the present document, additional activities in the area of suspects at large that it intends to conduct to raise awareness on these matters.
6. At the outset, it should be noted, in relation to the activities proposed in parts 2 and 3 and especially regarding ICC situations in which arrest warrants are sealed and their existence is not disclosed to the public domain, the Registry would consult and get authorization from the relevant Chamber to proceed with any proposed approach relating to reaching out to States.

I. Proposed recommendations for increased engagement by States Parties regarding the implementation of outstanding ICC arrest warrants

7. States Parties are encouraged to continuously raise the importance of securing the implementation of ICC arrest warrants in all relevant multilateral and/or intergovernmental settings such as UN high-level meetings, regional summits, high level bilateral meetings, etc.
8. 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 related matters.
9. States Parties could envisage publicizing domestically and internationally public ICC arrest warrants. This effort could help garner support from the international community, including States and civil society organizations. It could furthermore encourage government officials and suspects to cooperate with justice efforts.
10. States Parties could increase engagement with national law enforcement personnel to raise awareness of public or publicly known ICC arrest warrants.
11. States Parties could also envisage, when needed and/or where appropriate, 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.

II. Proposed recommendations, in consultation with the Court, on possible activities on implementation of arrest warrants on ICC situation level

12. Relevant States Parties could emphasize the importance of implementing ICC arrest warrants as an element for continued international support and situation engagement, including through leading demarches, bilateral or multilateral discussions.
13. With the purpose of maximizing the successful implementation of arrest warrants, 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 arrest warrants of a ICC situation.

2.a Elements to support the establishment of such a working group, especially in ICC situations where there are sealed arrest warrants

14. The Registry and OTP would first conduct in the SALWG a strategic review of ICC situations ("Review"), focusing on circumstances that would allow to identify states that could impact the successful implementation of arrest warrants.
15. This Review would include analysis from various perspectives, *inter alia*:
 - Political– Assessing the political landscape of the ICC situation country to identify the government's stance towards the ICC and international relations. The analysis provides an overview of the feasibility and potential obstacles for executing the arrest warrants;
 - Economic – Evaluating economic ties between the ICC situation country and other states. States with economic or trade relations could encourage cooperation with the ICC;
 - Diplomatic – Identifying States with strong diplomatic relations with the ICC situation country. Such states could be instrumental in facilitating cooperation for the arrest and surrender of suspects.
16. Based on the outcome of the Review and taking into account the sensitivities linked to ICC situations in which arrest warrants are sealed, the Registry would communicate, for

the Chamber's approval, recommendations discussed with OTP, on States that could be notified of the existence of the arrest warrants and that could provide support and cooperate in the implementation of arrest warrants.

2.b Recommendations after establishment of the working group of relevant States:

17. By establishing a working group of relevant States, participating States would ensure appropriate coordination and could pool their resources, expertise, and diplomatic relationships to engage effectively on maximizing the chances of successful implementation of arrest warrants.

18. Members of the working group could designate a lead State who would coordinate the activities of the working group and serve as point of contact with the Court.

19. The working group could, upon consultation with the Court, facilitate diplomatic efforts and advocacy initiatives aimed at promoting cooperation with the ICC, and facilitating the arrest of suspects at large. It could also serve as a platform for sharing information, best practices, and strategies among participating states.

20. The working group could, upon consultation with the Court, engage in advocacy efforts within relevant international forums, such as the United Nations, the European Union, the Organization of American States, the African Union and other multilateral organisations, to raise awareness of the relevant outstanding arrest warrants and the importance of cooperation with the ICC.

21. The working group could facilitate the exchange of information related to the ICC situation at issue, including updates on the execution of arrest warrants, diplomatic engagements, and other relevant developments.

22. The working group could, upon consultation with the Court, cooperate closely with civil society organisations to align advocacy efforts, share information, and leverage their collective influence.

III. Proposed recommendations for support from specific States at the stage of an operation of arrest and surrender

23. Once information is obtained of the high likelihood of the arrest of a suspect at large (linked to *inter alia* concrete information as to his/ her whereabouts) 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. Some parameters for the Court to consider for the identification of relevant States that could support would be whether there are ties with the ICC situation and/or the country in which the suspect is located (such as political, economic and/ or strong diplomatic relations).

24. It would be determined on a case-by-case basis whether to pursue activities by forming a small grouping of States, or whether to maintain direct bilateral relationship with a small number of States.

IV. Activities in the area of suspects at large and arrests to be conducted by the Court to raise awareness amongst its external stakeholders

25. The Court will ensure that the matter of suspects at large is given high priority within its overall activities by organizing, together with its State Parties, an annual event or several smaller events with State participation.

26. The Court intends to engage more with and encourage the participation of relevant international and regional law enforcement support agencies such as INTERPOL or EUROPOL with a view of discussing ways forward that could assist in increasing the implementation of pending ICC arrest warrants. The Court could liaise, with the support of

States Parties, with such agencies to explore ways of streamlining global law enforcement efforts in capturing and prosecuting individuals accused of severe crimes like genocide, war crimes, and crimes against humanity.

27. The Court will ensure that the matter of arrests and the implementation of arrest warrants remain a recurrent topic during meetings of the Hague Working Group on Cooperation, in which the topic can, as deemed appropriate, be addressed from different angles to enhance cooperation on the matter.

28. As has been the practice thus far, the Court, in particular the relevant Chamber, will determine whether, in light of available information, it would be more beneficial, regarding select priority suspects, to unseal arrest warrants, to share redacted versions or to disclose the existence of the arrest warrants to relevant States. This could facilitate more open and concrete discussions, as outlined above.

29. The Court will liaise with States on the possibility to offer rewards, when appropriate, for the provision of information leading to the arrest of an ICC suspect; or to impose sanctions (such as financial restrictions and/ or travel ban) on ICC suspects at large.

30. The Court will aim to produce publicity materials for use by States, which would assist in facilitating raising awareness of outstanding public ICC arrest warrants and informing on general matters relating to arrest and surrender.

31. The Court will ensure to keep its States Parties updated on any budget implications relating to increased tracking efforts and more focused development of arrest and surrender strategies.
