



Statement on behalf of the European Union and its Member States

*at the International Criminal Court
Sixteenth Session of the Assembly of States Parties*

Ninth Plenary Meeting: Panel discussion on Cooperation

United Nations

New York

11 December 2017

— CHECK AGAINST DELIVERY —

Mr. President,

The EU and its Member States welcome this plenary debate on cooperation, an issue of the utmost importance.

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova, and Georgia, align themselves with this statement.

The EU reiterates its commitment to cooperate fully with the International Criminal Court in its investigations and prosecutions of serious crimes falling under the jurisdiction of the Court and expresses its unwavering support to the Court and its work.

Mr President,

We all agree that there should be no room for impunity and that the perpetrators of the most serious crimes should be prosecuted in an effective and expeditious way. We also expect the Court to work swiftly and efficiently. However, we should not forget that the strength, the rapidity and the efficiency of the ICC depend, to a large extent, to the quality of cooperation that the States Parties are prepared to provide.

To fulfil its mandate the ICC relies on the cooperation of States Parties. By ratifying the Rome Statute States Parties accepted the obligations arising out of it, including the obligation to cooperate fully under Part 9 of the Statute.

Full cooperation between States and the Court means first of all a proper implementation of the Rome Statute. The ratification of the Rome Statute might not be sufficient. Adequate implementing legislation at the national level should be considered to facilitate cooperation. Unfortunately, this is not always the case and, regrettably, many States Parties do not give priority to the required implementing legislation.

Mr President,

Voluntary cooperation agreements should also be considered to allow the Court to perform its mandate. Relocation of witnesses, enforcement of sentences,

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

interim and final release of detained persons are all activities that the Court cannot carry out on its own. We therefore urge all States to consider concluding such agreements with the ICC, and to give effect to these agreements by providing cooperation upon concrete requests. The EU is one of the first regional organizations to enter into an agreement on cooperation and assistance with the Court.

Cooperation in the area of financial investigations and asset recovery presents particular challenges. It is, however, essential for securing funds for reparations and covering costs of legal aid.

The EU and its Member States welcome the efforts by the Court and all other stakeholders in the field of financial investigations. The EU endorses the recommendations contained in the draft Declaration presented at the Paris Conference on 20 October 2017, in particular the invitation to States Parties to strengthen the implementation of domestic cooperation laws and procedures to increase their ability to cooperate fully with the ICC in the area of financial investigations and asset recovery, in accordance with the Rome Statute.

Mr. President,

Non-execution of cooperation requests affects the efficiency of the Court. Excessive delays in execution also have a negative impact on the efficiency and the image of the Court. The prompt execution of arrest warrants is one of the key obligations to cooperate with the Court. Instances of non-cooperation need to be addressed. It is the individual duty of each State Party and our collective duty as the international community to take action to ensure that violations to cooperation obligations are dealt with in a more effective way.

Mr President,

Stronger cooperation with the ICC will improve the Court's efficiency and expediency and will strengthen the overall integrity of the proceedings.

I thank you.