



**AMNESTY
INTERNATIONAL**

Statement to the eighth session of the Assembly of States Parties.

19 November 2009

In the two reports submitted by Amnesty International to this session of the Assembly, our organization raises serious concerns on the status of state cooperation with the Court.

Although it is widely accepted that the success of the Court depends on the cooperation it receives from states, most states parties are unprepared to cooperate fully with the Court and some states are refusing to cooperate or even to respond to the Court's requests.

Amnesty International reminds states parties that, in accordance with Article 86 of the Rome Statute, they must cooperate fully – in order to ensure the successful investigation and prosecution of crimes under the jurisdiction of the Court. Those 69 states parties that have so far failed to enact cooperation legislation and the 49 states parties that have yet to ratify the Agreement on Privileges and Immunities will not be able to meet this express obligation under the Rome Statute. We urge these states to take immediate measures to guarantee their full cooperation with the Court and call on the Assembly to invest significantly more in the promotion of its Plan of Action on Universality and Full Implementation of the Rome Statute as well as the Assembly's 66 recommendations on cooperation.

States parties must execute arrest warrants and surrender suspects to the Court. Regrettably, a number of states have indicated that they will not fulfil this obligation on the basis that cooperation would be precluded by claimed immunities. Our organization rejects these arguments. Immunities are prohibited by Article 27 and are inconsistent with the object and purpose of the Rome Statute. All states parties must affirm their commitment to arrest and surrender suspects charged by the Court.

Finally, states have an obligation to cooperate with the relocation of victims and witnesses for their protection. Such protection is central to the Court's investigation and prosecution of crimes. The Court reports that only 40% of these victims have been relocated. This is unacceptable. It not only undermines the Court but fails to recognize the courage of victims and witnesses who face serious risk in the furtherance of justice. We urge more states parties to enter into relocation agreements with the Court immediately.

Thank you