



## **INTERVENTION FOR COOPERATION AGENDA ITEM AT THE 15<sup>TH</sup> SESSION OF THE ASSEMBLY OF STATES PARTIES OF THE INTERNATIONAL CRIMINAL COURT**

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Mr Chair, state cooperation is vital for the effective functioning of the Court and its ability to deliver justice and reparation. Full and effective cooperation is an obligation of all states parties.

It is therefore deeply concerning that, while in many cases states parties are cooperating with the Court, there are too many instances of non-cooperation. This is illustrated by the fact that so far this year the Court has referred three findings of non-cooperation to the Assembly pursuant to Article 87(7) of the Rome Statute.

Amnesty International calls on the Assembly to take three steps towards addressing this:

Firstly, recognizing that many states parties have not put in place national laws and procedure to meet their cooperation obligations, the Assembly should review and improve its current systems to promote national implementation, encourage information sharing and offer technical assistance.

For example, we strongly welcome the initiative at this session to promote ratification and accession to the Agreement on Privileges and Immunities [perhaps comment on whether it has been effective]. Similar initiatives should also be developed to promote national implementing legislation and cooperation agreements with the Court on victim relocation, interim release, relocation of acquitted persons and enforcement of sentences.

Secondly, Amnesty International concurs with South Africa about the benefit of providing for clearer procedures for states to consult with the ICC when they identify problems which may impede or prevent the execution of a cooperation request. A judicial determination should be made in the event that a dispute arises during consultations that cannot be resolved through dialogue. We have provided detailed recommendations on South Africa's proposal for new rules or regulations on the implementation of Article 97 in our paper of recommendations at this session.

Thirdly, it is important that the Assembly develops even stronger mechanisms to respond to non-cooperation when it occurs. In particular, it should adopt the recommendation of the focal points on non-cooperation that 'future sessions of

Assembly include an agenda item to consider non-cooperation issues arising throughout the inter-sessional periods.'

According to Article 112(2)(f), the Assembly has an obligation to consider any question relating to non-cooperation, which must include any referrals of non-cooperation by the Court. A standing agenda item on non-cooperation would strengthen, standardize and formalize the Assembly's response to non-cooperation, ensuring that it fully meets its obligations. It would be an important opportunity for states to discuss and develop best practices and measures to prevent or to address instances of non-cooperation, taking into account the views and experiences of states parties that have not complied with requests or that have identified challenges.