

Part II

Resolutions and Declarations adopted by the Review Conference

A. Resolutions

Resolution RC/Res.1

Adopted at the 9th plenary meeting, on 8 June 2010, by consensus

RC/Res.1 Complementarity

The Review Conference,

Reaffirming its commitment to the Rome Statute of the International Criminal Court,

Reaffirming its determination to combat impunity for the most serious crimes of international concern as referred to in the Rome Statute,

Reaffirming further that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

Welcoming the efforts of the Court to investigate and prosecute those bearing responsibility for the most serious crimes of international concern,

Stressing the need to achieve universality of the Statute as a means to end impunity and *acknowledging* that assistance to strengthen domestic capacity may have positive effects in this regard,

1. *Recognizes* the primary responsibility of States to investigate and prosecute the most serious crimes of international concern;
2. *Emphasizes* the principle of complementarity as laid down in the Rome Statute and *stresses* the obligations of States Parties flowing from the Rome Statute;
3. *Recognizes* the need for additional measures at the national level as required and for the enhancement of international assistance to effectively prosecute perpetrators of the most serious crimes of concern to the international community;
4. *Notes* the importance of States Parties taking effective domestic measures to implement the Rome Statute;
5. *Recognizes* the desirability for States to assist each other in strengthening domestic capacity to ensure that investigations and prosecutions of serious crimes of international concern can take place at the national level;
6. *Takes note of* the report of the Bureau on complementarity and its recommendations as a background paper for discussions at the Review Conference;
7. *Welcomes* the fruitful discussions on the issue of complementarity held during the Review Conference;
8. *Encourages* the Court, States Parties and other stakeholders, including international organizations and civil society, to further explore ways in which to enhance the capacity of national jurisdictions to investigate and prosecute serious crimes of international concern as set out in the Report of the Bureau on complementarity, including its recommendations;
9. *Requests* the Secretariat of the Assembly of States Parties, in accordance with resolution ICC-ASP/2/Res.3, and, within existing resources, to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and *requests* the Secretariat of the Assembly of States Parties to report to the tenth session of the Assembly on progress in this regard;
10. *Requests* the Bureau to continue the dialogue with the Court and other stakeholders on the issue of complementarity and *invites* the Court to present to the Assembly at its tenth session, as appropriate, a report in this regard.

Resolution RC/Res.2

Adopted at the 9th plenary meeting, on 8 June 2010, by consensus

RC/Res.2

The impact of the Rome Statute system on victims and affected communities

The Review Conference,

Recalling the Preamble of the Rome Statute which reminds that millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

Reaffirming the importance of the Rome Statute to the victims and affected communities in its determination to put an end to impunity for the perpetrators of the crime of genocide, crimes against humanity and war crimes, thus contributing to their prevention,

Recalling United Nations Security Council resolutions 1325, 1820, 1888 and 1889 on women, peace and security, as well as resolutions 1612 and 1882 on children in armed conflict, and in this context, *underlining* the need to address the specific needs of women and children as well as to put an end to impunity for sexual violence in conflict,

Further recalling, inter alia, the 1985 United Nations General Assembly Resolution 40/34 “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power”, and the 2005 United Nations General Assembly Resolution 60/147 “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”,

Recognizing that victims’ rights to equal and effective access to justice; protection and support; adequate and prompt reparation for harm suffered; and access to relevant information concerning violations and redress mechanisms are essential components of justice,

Emphasizing the importance of outreach to victims and affected communities in order to give effect to the unique mandate of the International Criminal Court towards victims,

1. *Encourages* States to consider implementing those provisions of the Rome Statute relevant to victims/witnesses, where applicable, through national legislation or appropriate measures;
2. *Further encourages* the Court, in dialogue with victims and affected communities, to continue to optimize the Court’s strategic planning process, including the Court’s Strategy in relation to victims, as well as its field presence in order to improve the way in which it addresses the concerns of victims and affected communities, paying special attention to the needs of women and children;
3. *Underlines* the need to continue to optimize and adapt outreach activities, in light of the different phases of the judicial cycle, and to encourage further efforts to ensure that victims and affected communities have access to accurate information about the Court, its mandate and activities, as well as about victims’ rights under the Rome Statute, including their right to participate in judicial proceedings and claim for reparations;
4. *Encourages* governments, communities and civil organizations at the national and local level to play an active role in sensitizing communities on the rights of victims in accordance with the Rome Statute in general and victims of sexual violence in particular, to speak against their marginalization and stigmatization, to assist them in their social reintegration process and in their participation in consultations, and to combat a culture of impunity for these crimes;
5. *Expresses its appreciation* to the Board of Directors of the Trust Fund for Victims for its continuing commitment towards easing the suffering of victims;

6. *Stresses* the importance of an ongoing dialogue between the Secretariat of the Trust Fund for Victims, the Court and States Parties, with a view to ensuring the transparency of the management of the Trust Fund and its Secretariat and *further stresses* the importance in this regard of regular exchanges with the international community, including donors and civil society, so as to promote the activities of the Trust Fund and contribute to its visibility;
7. *Calls upon* States Parties, international organizations, individuals, corporations and other entities to contribute to the Trust Fund for Victims to ensure that timely and adequate assistance and reparations can be provided to victims in accordance with the Rome Statute, and *expresses its gratitude* to those that have done so.

Resolution RC/Res.3

Adopted at the 9th plenary meeting, on 8 June 2010, by consensus

RC/Res.3

Strengthening the enforcement of sentences

The Review Conference,

Recalling the Rome Statute of the International Criminal Court,

Conscious of the key role of States in the enforcement of the Court's sentences of imprisonment,

Recalling that the Court's sentences of imprisonment shall be served in prison facilities provided by States that have indicated their willingness to accept sentenced persons, in accordance with the Statute,

Mindful of the need for broader participation of States in the enforcement of sentences in order to allow for such enforcement in all relevant regions and sub regions and *taking note* of the unanimous view expressed by States Parties to this effect,

Emphasizing the need for enhanced international cooperation with a view to enabling more States to voluntarily accept sentenced persons on the basis of widely accepted international treaty standards governing the treatment of prisoners,

1. *Calls upon* States to indicate to the Court their willingness to accept sentenced persons in accordance with the Statute;
2. *Confirms* that a sentence of imprisonment may be served in a prison facility made available in the designated State through an international or regional organization, mechanism or agency;
3. *Urges* States Parties and States that have indicated their willingness to accept sentenced persons, directly or through competent international organizations, to promote actively international cooperation at all levels, particularly at the regional and sub regional levels;
4. *Requests* the Secretary-General of the United Nations to bring this resolution to the attention of all members of the United Nations, with a view to encouraging that the above objectives may be considered, as appropriate, in the relevant programmes of assistance of the World Bank, the regional banks, the United Nations Development Programme, and other relevant multilateral and national agencies.

Resolution RC/Res.4

Adopted at the 11th plenary meeting, on 10 June 2010, by consensus

RC/Res.4 Article 124

The Review Conference,

Recognizing the need to ensure the integrity of the Rome Statute,

Mindful of the importance of the universality of the founding instrument of the International Criminal Court,

Recalling the transitional nature of article 124, as decided by the Rome Conference,

Recalling that the Assembly of States Parties forwarded article 124 to the Review Conference for its possible deletion,

Having reviewed the provisions of article 124 at the Review Conference in accordance with the Rome Statute,

1. *Decides* to retain article 124 in its current form;
2. *Also decides* to further review the provisions of article 124 during the fourteenth session of the Assembly of States Parties to the Rome Statute.

Resolution RC/Res.5*

Adopted at the 12th plenary meeting, on 10 June 2010, by consensus

RC/Res.5

Amendments to article 8 of the Rome Statute

The Review Conference,

Noting article 123, paragraph 1, of the Rome Statute of the International Criminal Court which requests the Secretary-General of the United Nations to convene a Review Conference to consider any amendments to the Statute seven years after its entry into force,

Noting article 121, paragraph 5, of the Statute which states that any amendment to articles 5, 6, 7 and 8 of the Statute shall enter into force for those States Parties which have accepted the amendment one year after the deposit of their instruments of ratification or acceptance and that in respect of a State Party which has not accepted the amendment, the Court shall not exercise its jurisdiction regarding the crime covered by the amendment when committed by that State Party's nationals or on its territory, and *confirming* its understanding that in respect to this amendment the same principle that applies in respect of a State Party which has not accepted the amendment applies also in respect of States that are not parties to the Statute,

Confirming that, in light of the provision of article 40, paragraph 5, of the Vienna Convention on the Law of Treaties, States that subsequently become States Parties to the Statute will be allowed to decide whether to accept the amendment contained in this resolution at the time of ratification, acceptance or approval of, or accession to the Statute,

Noting article 9 of the Statute on the Elements of Crimes which states that such Elements shall assist the Court in the interpretation and application of the provisions of the crimes within its jurisdiction,

Taking due account of the fact that the crimes of employing poison or poisoned weapons; of employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices; and of employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions, already fall within the jurisdiction of the Court under article 8, paragraph 2 (b), as serious violations of the laws and customs applicable in international armed conflict,

Noting the relevant elements of the crimes within the Elements of Crimes already adopted by the Assembly of States Parties on 9 September 2000,

Considering that the abovementioned relevant elements of the crimes can also help in their interpretation and application in armed conflict not of an international character, in that *inter alia* they specify that the conduct took place in the context of and was associated with an armed conflict, which consequently confirm the exclusion from the Court's jurisdiction of law enforcement situations,

Considering that the crimes referred to in article 8, paragraph 2 (e) (xiii) (employing poison or poisoned weapons) and in article 8, paragraph 2 (e) (xiv) (asphyxiating, poisonous or other gases, and all analogous liquids, materials and devices) are serious violations of the laws and customs applicable in armed conflict not of an international character, as reflected in customary international law,

Considering that the crime referred to in article 8, paragraph 2 (e) (xv) (employing bullets which expand or flatten easily in the human body), is also a serious violation of the laws and customs applicable in armed conflict not of an international character, and *understanding* that the crime is committed only if the perpetrator employs the bullets to uselessly aggravate suffering or the wounding effect upon the target of such bullets, as reflected in customary international law,

* See Depositary Notification C.N.651.2010 Treaties-6, dated 29 November 2010, available at <http://treaties.un.org>.

1. *Decides* to adopt the amendment to article 8, paragraph 2 (e), of the Rome Statute of the International Criminal Court contained in annex I to the present resolution, which is subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 5, of the Statute;
2. *Decides* to adopt the relevant elements to be added to the Elements of Crimes, as contained in annex II to the present resolution.

Annex I

Amendment to article 8

Add to article 8, paragraph 2 (e), the following:

- “(xiii) Employing poison or poisoned weapons;
- (xiv) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xv) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.”

Annex II

Elements of Crimes

Add the following elements to the Elements of Crimes:

Article 8 (2) (e) (xiii)

War crime of employing poison or poisoned weapons

Elements

1. The perpetrator employed a substance or a weapon that releases a substance as a result of its employment.
2. The substance was such that it causes death or serious damage to health in the ordinary course of events, through its toxic properties.
3. The conduct took place in the context of and was associated with an armed conflict not of an international character.
4. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (e) (xiv)

War crime of employing prohibited gases, liquids, materials or devices

Elements

1. The perpetrator employed a gas or other analogous substance or device.
2. The gas, substance or device was such that it causes death or serious damage to health in the ordinary course of events, through its asphyxiating or toxic properties.¹
3. The conduct took place in the context of and was associated with an armed conflict not of an international character.
4. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (e) (xv)

War crime of employing prohibited bullets

Elements

1. The perpetrator employed certain bullets.
2. The bullets were such that their use violates the international law of armed conflict because they expand or flatten easily in the human body.
3. The perpetrator was aware that the nature of the bullets was such that their employment would uselessly aggravate suffering or the wounding effect.
4. The conduct took place in the context of and was associated with an armed conflict not of an international character.
5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

¹ Nothing in this element shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law with respect to the development, production, stockpiling and use of chemical weapons.

Resolution RC/Res.6*

Adopted at the 13th plenary meeting, on 11 June 2010, by consensus

RC/Res.6 **The crime of aggression**

The Review Conference,

Recalling paragraph 1 of article 12 of the Rome Statute,

Recalling paragraph 2 of article 5 of the Rome Statute,

Recalling also paragraph 7 of resolution F, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998,

Recalling further resolution ICC-ASP/1/Res.1 on the continuity of work in respect of the crime of aggression, and *expressing its appreciation* to the Special Working Group on the Crime of Aggression for having elaborated proposals on a provision on the crime of aggression,

Taking note of resolution ICC-ASP/8/Res.6, by which the Assembly of States Parties forwarded proposals on a provision on the crime of aggression to the Review Conference for its consideration,

Resolved to activate the Court's jurisdiction over the crime of aggression as early as possible,

1. *Decides* to adopt, in accordance with article 5, paragraph 2, of the Rome Statute of the International Criminal Court (hereinafter: "the Statute") the amendments to the Statute contained in annex I of the present resolution, which are subject to ratification or acceptance and shall enter into force in accordance with article 121, paragraph 5; and *notes* that any State Party may lodge a declaration referred to in article 15 *bis* prior to ratification or acceptance;
2. *Also decides* to adopt the amendments to the Elements of Crimes contained in annex II of the present resolution;
3. *Also decides* to adopt the understandings regarding the interpretation of the above-mentioned amendments contained in annex III of the present resolution;
4. *Further decides* to review the amendments on the crime of aggression seven years after the beginning of the Court's exercise of jurisdiction;
5. *Calls upon* all States Parties to ratify or accept the amendments contained in annex I.

* See Depository Notification C.N.651.2010 Treaties-8, dated 29 November 2010, available at <http://treaties.un.org>.

Annex I

Amendments to the Rome Statute of the International Criminal Court on the crime of aggression

1. *Article 5, paragraph 2, of the Statute is deleted.*
2. *The following text is inserted after article 8 of the Statute:*

Article 8 bis Crime of aggression

1. For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

2. For the purpose of paragraph 1, “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

3. *The following text is inserted after article 15 of the Statute:*

Article 15 bis

**Exercise of jurisdiction over the crime of aggression
(State referral, *proprio motu*)**

1. The Court may exercise jurisdiction over the crime of aggression in accordance with article 13, paragraphs (a) and (c), subject to the provisions of this article.
2. The Court may exercise jurisdiction only with respect to crimes of aggression committed one year after the ratification or acceptance of the amendments by thirty States Parties.
3. The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute.
4. The Court may, in accordance with article 12, exercise jurisdiction over a crime of aggression, arising from an act of aggression committed by a State Party, unless that State Party has previously declared that it does not accept such jurisdiction by lodging a declaration with the Registrar. The withdrawal of such a declaration may be effected at any time and shall be considered by the State Party within three years.
5. In respect of a State that is not a party to this Statute, the Court shall not exercise its jurisdiction over the crime of aggression when committed by that State's nationals or on its territory.
6. Where the Prosecutor concludes that there is a reasonable basis to proceed with an investigation in respect of a crime of aggression, he or she shall first ascertain whether the Security Council has made a determination of an act of aggression committed by the State concerned. The Prosecutor shall notify the Secretary-General of the United Nations of the situation before the Court, including any relevant information and documents.
7. Where the Security Council has made such a determination, the Prosecutor may proceed with the investigation in respect of a crime of aggression.
8. Where no such determination is made within six months after the date of notification, the Prosecutor may proceed with the investigation in respect of a crime of aggression, provided that the Pre-Trial Division has authorized the commencement of the investigation in respect of a crime of aggression in accordance with the procedure contained in article 15, and the Security Council has not decided otherwise in accordance with article 16.
9. A determination of an act of aggression by an organ outside the Court shall be without prejudice to the Court's own findings under this Statute.
10. This article is without prejudice to the provisions relating to the exercise of jurisdiction with respect to other crimes referred to in article 5.

4. *The following text is inserted after article 15 bis of the Statute:*

Article 15 ter

**Exercise of jurisdiction over the crime of aggression
(Security Council referral)**

1. The Court may exercise jurisdiction over the crime of aggression in accordance with article 13, paragraph (b), subject to the provisions of this article.

2. The Court may exercise jurisdiction only with respect to crimes of aggression committed one year after the ratification or acceptance of the amendments by thirty States Parties.

3. The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute.

4. A determination of an act of aggression by an organ outside the Court shall be without prejudice to the Court's own findings under this Statute.

5. This article is without prejudice to the provisions relating to the exercise of jurisdiction with respect to other crimes referred to in article 5.

5. *The following text is inserted after article 25, paragraph 3, of the Statute:*

3 bis. In respect of the crime of aggression, the provisions of this article shall apply only to persons in a position effectively to exercise control over or to direct the political or military action of a State.

6. *The first sentence of article 9, paragraph 1, of the Statute is replaced by the following sentence:*

1. Elements of Crimes shall assist the Court in the interpretation and application of articles 6, 7, 8 and 8 bis.

7. *The chapeau of article 20, paragraph 3, of the Statute is replaced by the following paragraph; the rest of the paragraph remains unchanged:*

3. No person who has been tried by another court for conduct also proscribed under article 6, 7, 8 or 8 bis shall be tried by the Court with respect to the same conduct unless the proceedings in the other court:

Annex II

Amendments to the Elements of Crimes

Article 8 *bis* Crime of aggression

Introduction

1. It is understood that any of the acts referred to in article 8 *bis*, paragraph 2, qualify as an act of aggression.
2. There is no requirement to prove that the perpetrator has made a legal evaluation as to whether the use of armed force was inconsistent with the Charter of the United Nations.
3. The term “manifest” is an objective qualification.
4. There is no requirement to prove that the perpetrator has made a legal evaluation as to the “manifest” nature of the violation of the Charter of the United Nations.

Elements

1. The perpetrator planned, prepared, initiated or executed an act of aggression.
2. The perpetrator was a person¹ in a position effectively to exercise control over or to direct the political or military action of the State which committed the act of aggression.
3. The act of aggression – the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations – was committed.
4. The perpetrator was aware of the factual circumstances that established that such a use of armed force was inconsistent with the Charter of the United Nations.
5. The act of aggression, by its character, gravity and scale, constituted a manifest violation of the Charter of the United Nations.
6. The perpetrator was aware of the factual circumstances that established such a manifest violation of the Charter of the United Nations.

¹ With respect to an act of aggression, more than one person may be in a position that meets these criteria.

Annex III

Understandings regarding the amendments to the Rome Statute of the International Criminal Court on the crime of aggression

Referrals by the Security Council

1. It is understood that the Court may exercise jurisdiction on the basis of a Security Council referral in accordance with article 13, paragraph (b), of the Statute only with respect to crimes of aggression committed after a decision in accordance with article 15 *ter*, paragraph 3, is taken, and one year after the ratification or acceptance of the amendments by thirty States Parties, whichever is later.
2. It is understood that the Court shall exercise jurisdiction over the crime of aggression on the basis of a Security Council referral in accordance with article 13, paragraph (b), of the Statute irrespective of whether the State concerned has accepted the Court's jurisdiction in this regard.

Jurisdiction *ratione temporis*

3. It is understood that in case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction only with respect to crimes of aggression committed after a decision in accordance with article 15 *bis*, paragraph 3, is taken, and one year after the ratification or acceptance of the amendments by thirty States Parties, whichever is later.

Domestic jurisdiction over the crime of aggression

4. It is understood that the amendments that address the definition of the act of aggression and the crime of aggression do so for the purpose of this Statute only. The amendments shall, in accordance with article 10 of the Rome Statute, not be interpreted as limiting or prejudicing in any way existing or developing rules of international law for purposes other than this Statute.
5. It is understood that the amendments shall not be interpreted as creating the right or obligation to exercise domestic jurisdiction with respect to an act of aggression committed by another State.

Other understandings

6. It is understood that aggression is the most serious and dangerous form of the illegal use of force; and that a determination whether an act of aggression has been committed requires consideration of all the circumstances of each particular case, including the gravity of the acts concerned and their consequences, in accordance with the Charter of the United Nations.
7. It is understood that in establishing whether an act of aggression constitutes a manifest violation of the Charter of the United Nations, the three components of character, gravity and scale must be sufficient to justify a "manifest" determination. No one component can be significant enough to satisfy the manifest standard by itself.

B. Declarations

Declaration RC/Decl.1

Adopted at the 4th plenary meeting, on 1 June 2010, by consensus

RC/Decl.1

Kampala Declaration

We, high-level representatives of States Parties to the Rome Statute of the International Criminal Court, gathered in Kampala, Uganda, at the first Review Conference under this Statute, held from 31 May to 11 June 2010,

Guided by a renewed spirit of cooperation and solidarity, with a firm commitment to fight impunity for the most serious crimes of international concern and to guarantee lasting respect for the enforcement of international criminal justice,

Recalling the aims and purposes of the Rome Statute and *recognizing* the noble mission and the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter of the United Nations,

Mindful that despite progress in realizing the aims and purposes of the Statute and the mission of the Court, countless children, women and men continue to be victims of unimaginable atrocities that deeply shock the conscience of humanity,

Recalling the historic establishment and commencement of functioning of the International Criminal Court as an independent and permanent judicial institution complementary to national criminal jurisdictions,

Welcoming actions undertaken by States Parties to strengthen national criminal jurisdictions in accordance with the Statute,

Appreciating the invaluable assistance of civil society for the advancement of the International Criminal Court,

Convinced that there can be no lasting peace without justice and that peace and justice are thus complementary requirements,

Convinced also that justice and the fight against impunity are, and must remain, indivisible and that in this regard universal adherence to the Statute is essential,

Stressing the importance of full cooperation with the International Criminal Court,

United by the common bonds of our peoples, our cultures pieced together in a shared heritage,

Together solemnly:

1. *Reaffirm* our commitment to the Rome Statute of the International Criminal Court and its full implementation, as well as to its universality and integrity;
2. *Reiterate* our determination to put an end to impunity for perpetrators of the most serious crimes of international concern, with full respect for international fair trial standards, and thus to contribute to the prevention of such crimes that threaten the peace, security and well-being of the world;
3. *Emphasize* that justice is a fundamental building block of sustainable peace;
4. *Determine* to continue and strengthen our efforts to promote victims' rights under the Rome Statute, including their right to participate in judicial proceedings and claim for reparations, and to protect victims and affected communities;

5. *Resolve* to continue and strengthen effective domestic implementation of the Statute, to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally-recognized fair trial standards, pursuant to the principle of complementarity;
6. *Express* our firm commitment to work actively during the Review Conference towards a satisfactory outcome on the amendment proposals included in resolution ICC-ASP/8/Res.6, keeping in mind the mission the International Criminal Court is meant to accomplish in the international community;
7. *Further resolve* to continue and strengthen our efforts to ensure full cooperation with the Court in accordance with the Statute, in particular in the areas of implementing legislation, enforcement of Court decisions, execution of arrest warrants, conclusion of agreements and witness protection, and to express our political and diplomatic support for the Court;
8. *Express* our appreciation to the Court which has become fully operational as a judicial institution in accordance with the provisions of the Rome Statute;
9. *Express* our appreciation to the Secretary-General of the United Nations for the cooperation extended to the International Criminal Court by the United Nations system;
10. *Welcome* the fact that 111 States from all regions of the world have now become Parties to the Rome Statute of the International Criminal Court and *invite* States that are not yet parties to the Statute to become parties as soon as possible, and *reiterate* our commitment to proactively promote universality and full implementation of the Statute;
11. *Acknowledge* the pledges made by States Parties and by non-States Parties and other organizations to promote the aims and purposes of the Rome Statute;
12. *Decide* to henceforth celebrate 17 July, the day of the adoption of the Rome Statute in 1998, as the Day of International Criminal Justice.

Declaration RC/Decl.2

Adopted at the 9th plenary meeting, on 8 June 2010, by consensus

RC/Decl.2

Declaration on cooperation

The Review Conference,

Recalling that the effective fight against impunity requires timely justice and, to this end, that proceedings are pursued with proper expedition,

Stressing the importance of effective and comprehensive cooperation by States, international and regional organizations so that the Court can properly fulfill its mandate,

Noting the extensive efforts undertaken with a view to enhancing cooperation, both by the Assembly of States Parties and by the Court,

Acknowledging the progress achieved to date in enhancing the level of cooperation provided by States to the Court, and also *acknowledging* that further progress is required in this matter,

1. *Reaffirms* the importance of all States Parties meeting fully their obligations under Parts 9 and 10 of the Rome Statute;
2. *Emphasizes* that those States under an obligation to cooperate with the Court must do so;
3. *Emphasizes* the particular need to have in place adequate implementing legislation or other procedures under national law to enhance cooperation with the Court;
4. *Reaffirms* the importance of compliance with requests for cooperation from the Court;
5. *Emphasizes* the crucial role that the execution of arrest warrants plays in ensuring the effectiveness of the Court's jurisdiction and further *emphasizes* the primary obligation of States Parties, and other States under an obligation to cooperate with the Court, to assist the Court in the swift enforcement of its pending arrest warrants;
6. *Encourages* States Parties to continue to engage in seeking to enhance their voluntary cooperation with the Court through arrangements or any other appropriate form of assistance on an *ad hoc* basis;
7. *Encourages* all other States to cooperate with the Court and, to this end, also *encourages* the Court to enter into appropriate arrangements;
8. *Decides* that the Assembly of States Parties should, in its consideration of the issue of cooperation, place a particular focus on sharing experiences;
9. *Encourages* all relevant stakeholders to provide assistance, using existing measures and exploring innovative methods, to States seeking to enhance their cooperation with the Court;
10. *Emphasizes* the importance of enhancing support for the Court, including by broadening an understanding of issues relevant to the Court, at national level;
11. *Requests* the Assembly of States Parties in its future consideration of the issue of cooperation to examine how to enhance public information on, and promote an understanding of, the mandate and operations of the Court.