

P7_TA-PROV(2011)0507

EU support for the International Criminal Court

European Parliament resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties (2011/2109(INI))

The European Parliament,

- having regard to the Rome Statute of the International Criminal Court (ICC), which entered into force on 1 July 2002,
- having regard to the Convention on the Prevention and Punishment of the Crime of Genocide, which entered into force on 12 January 1951,
- having regard to its previous resolutions on the International Criminal Court, in particular those of 19 November 1998¹, 18 January 2001², 28 February 2002³, 26 September 2002⁴ and 19 May 2010⁵,
- having regard to its previous resolutions on Annual Reports on Human Rights in the World, the most recent being that of 16 December 2010⁶,
- having regard to Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court⁷,
- having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court⁸,
- having regard to the Action Plan of 4 February 2004 and to the Action Plan to follow up on the Decision on the International Criminal Court of 12 July 2011,
- having regard to the Agreement between the International Criminal Court and the European Union on cooperation and assistance⁹,
- having regard to the European Security Strategy (ESS) of 2003 entitled ‘A Secure Europe in a Better World’, which was adopted by the European Council on 12 December 2003,
- having regard to the Stockholm Programme 2010-2014 entitled ‘An Open and Secure Europe Serving and Protecting Citizens’ (December 2009)¹⁰ and the Action Plan implementing the Stockholm Programme (April 2010, COM (2010)0171),

¹ OJ C 379, 7.12.1998, p. 265.

² OJ C 262, 18.9.2001, p. 262.

³ OJ C 293 E, 28.11.2002, p. 88.

⁴ OJ C 273 E, 14.11.2003, p. 291.

⁵ OJ C 161 E, 31.5.2011, p. 78.

⁶ Texts adopted, P7_TA(2010)0489.

⁷ OJ L 150, 18.6.2003, p. 67.

⁸ OJ L 76, 22.3.2011, p. 56.

⁹ OJ L 115, 28.4.2006, p. 50.

¹⁰ OJ C 115, 4.5.2010, p. 1.

- having regard to Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes¹, and Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes²,
 - having regard to UN Security Council Resolutions 1593 (2005) on Sudan/Darfur and 1970 (2011) on Libya,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Women’s Rights and Gender Equality (A7-0368/2011),
- A. whereas justice, the rule of law and the fight against impunity are the pillars of sustainable peace in that they guarantee human rights and fundamental freedoms;
 - B. whereas as of September 2011, 117 states have ratified the Rome Statute; whereas achieving its universal ratification should nevertheless remain a primary objective;
 - C. whereas the universal nature of justice implies its even application, free of exceptions and double standards; whereas nowhere should be a safe haven for those who have committed genocide, crimes against humanity, extrajudicial executions, war crimes, torture, mass rape or forced disappearances;
 - D. whereas justice should be seen as an indispensable element underpinning peace and conflict resolution efforts;
 - E. whereas maintaining the independence of the ICC is crucial not only to ensuring that it is fully effective, but also to promoting the universality of the Rome Statute;
 - F. whereas the ICC is the first permanent international judicial body capable of trying individuals for genocide, crimes against humanity and war crimes, thus making a decisive contribution to the upholding of human rights and to international law by combating impunity, playing a crucial deterrent role and sending a clear signal that impunity for these crimes will not be tolerated;
 - G. whereas pursuing the ‘interests of justice’ regardless of political considerations (Article 53 of the Rome Statute) is the founding principle of the Court; whereas the ICC plays a key role in promoting international justice and thus contributing to security, justice and the rule of law, as well as to the preservation of peace and the strengthening of international security;
 - H. whereas the ICC has jurisdiction over crimes committed after the entry into force of the Rome Statute on 1 July 2002;
 - I. whereas, in accordance with the Preamble of the Statute, as well as with the principle of complementarity, the ICC only acts in instances where national courts are unable or unwilling to hold credible trials at home, so that States Parties retain the primary

¹ OJ L 167, 26.6.2002, p. 1.

² OJ L 118, 14.5.2003, p. 12.

responsibility for prosecuting war crimes, crimes against humanity and genocide; whereas cooperation among States Parties to the Rome Statute and with regional organisations is of the utmost importance, particularly in situations where the jurisdiction of the Court is being challenged;

- J. whereas the ICC's policy of 'positive complementarity' supports the capacity of national courts to investigate and prosecute war crimes;
- K. whereas the ICC is currently conducting investigations in seven countries (Uganda, the Democratic Republic of the Congo, the Darfur region of Sudan, the Central African Republic, Kenya, Libya and Côte d'Ivoire) and has publicly announced that it is analysing information regarding alleged crimes committed in several other situations; whereas two cases (Darfur and Libya) have been referred by the United Nations Security Council, three cases (Uganda, the Democratic Republic of the Congo, and the Central African Republic) have been referred to the Court by the States Parties themselves, and two (Kenya and Côte d'Ivoire) have been started *proprio motu* by the Prosecutor;
- L. whereas the majority of the 17 arrest warrants issued by the ICC have not yet been implemented, including those against Joseph Kony and other leaders of the Lord's Resistance Army in respect of the situation in Northern Uganda, Bosco Ntaganda of the Democratic Republic of the Congo, Ahmad Muhammad Harun, Ali Muhammad Ali Abd-Al-Rahman and President Omar Hassan Ahmad Al Bashir of Sudan, and Saif al-Islam Gaddafi and Abdullah Al-Senussi of Libya;
- M. whereas fair trial, due process and victims' rights are the fundamental principles of the Rome Statute system;
- N. whereas the Court's aim is to deliver justice for victims and affected communities in a comprehensive and reparative manner, including through participation, protection, legal representation and outreach activities;
- O. whereas the Court offers victims a right of participation supported by structures of witness protection;
- P. whereas the system of reparations for the victims of the crimes within the competences of the Court makes the ICC a unique judicial institution on the international level;
- Q. whereas the success of the reparation proceedings starting in 2011 depends on voluntary contributions by donors, as well as on the collection of fines and forfeitures from the convicted persons;
- R. whereas the Court is currently being called upon to deal with a rapidly increasing number of investigations, cases and preliminary examinations, while some States Parties of the Rome Statute are seeking to hold the Court to the same or even a decreased budget;
- S. whereas the EU and its Member States have been staunch allies of the Court from its inception, offering continued political, diplomatic, financial and logistical support, including the promotion of universality and defending the integrity of the Rome Statute, with a view to protecting and enhancing the independence of the Court;
- T. whereas the fight against impunity can only succeed when all States Parties cooperate fully

with the ICC, and when non-parties also provide assistance to the judicial institution;

The need to enhance support for the Court through political and diplomatic action

1. Reiterates its full support for the ICC, the Rome Statute and the international criminal justice system, whose primary objective is the fight against impunity for genocide, war crimes and crimes against humanity;
2. Reiterates its full support for the Office of Prosecutor, the Prosecutor's *proprio motu* powers and the progress in initiating new investigations;
3. Urges Parties and non-parties to the Rome Statute to refrain from exercising political pressure on the Court in order to preserve and guarantee its impartiality and to allow for justice based on law, rather than on political considerations, to be dispensed;
4. Underlines the importance of the principle of universality, and calls on the EEAS, the EU Member States and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and the Agreement on Privileges and Immunities of the International Criminal Court (APIC) and national implementing legislation;
5. Welcomes the fact that the EU and most Member States made specific pledges at the Kampala conference, and recommends that the fulfilment of these pledges should take place in a timely manner and be reported back at the next Assembly of States Parties, scheduled to take place on 12-21 December 2011 in New York;
6. Welcomes the adoption of amendments to the Rome Statute, including on the crime of aggression, and calls on all EU Member States to ratify them and incorporate them into their national legislation;
7. Welcomes the review of the EU Common Position on the ICC through the adoption of a Decision on 21 March 2011, notes that the new decision takes into consideration the challenges faced by the Court and stresses that the decision provides a good basis for the EU and its Member States to assist the Court in tackling them;
8. Welcomes the revised EU Action Plan agreed on 12 July 2011 to follow up the Decision on the ICC, which outlines effective, concrete measures to be taken by the EU to deepen its future support for the Court, and encourages the Council Presidency together with the Commission, the EEAS and the Member States to make implementation of the Action Plan a priority;
9. Stresses that full and prompt cooperation between States Parties, including EU Member States, and the Court remains essential to the effectiveness and success of the international criminal justice system;
10. Calls on the EU and its Member States to comply with all requests by the Court to provide assistance and cooperation in a timely manner to ensure, *inter alia*, the execution of pending arrest warrants and the provision of information, including requests aimed at helping to identify, freeze and seize the financial assets of suspects;
11. Urges all the EU Member States that have not yet done so to enact national legislation on cooperation and to conclude framework agreements with the ICC for the enforcement of the

Court's sentences and on matters of investigation, collecting evidence, finding, protecting and relocating witnesses, arresting, extraditing, holding in custody and hosting indicted persons when released on bail and imprisoning sentenced persons; calls on the Member States to mutually cooperate through their police, judicial and other relevant mechanisms to ensure adequate support for the ICC;

12. Encourages the EU Member States to amend Article 83 of the Treaty of the Functioning of the European Union to add the crimes under the jurisdiction of the ICC to the list of crimes for which the EU has competences; more specifically, urges the EU Member States to transfer competences to the EU in the area of identification and confiscation of assets of persons indicted by the ICC, notwithstanding the fact that judicial proceedings are initiated by the ICC; calls on the EU Member States to cooperate in exchanging relevant information through the existing Asset Recovery Offices as well as through the Camden Asset Recovery Inter-Agency Network (CARIN);
13. Urges the EU Member States to incorporate fully the provisions of the Rome Statute and the Agreement on Privileges and Immunities of the Court (APIC) into their national legislation;
14. Welcomes the adoption at the Kampala Review Conference of amendments to the Rome Statute relating to the crime of aggression and calls on all the EU Member States to ratify them and integrate them into their national legislation; recommends that, in the interests of strengthening the universality of the Rome Statute, efforts should be made by joint agreement to achieve a more precise definition of the relevant offences establishing an act of aggression in breach of international law;
15. Notes that the Court, according to the results of the Kampala Conference, would not be able to exercise its jurisdiction over the crime of aggression until after January 2017, when a decision is to be made by States Parties to activate this jurisdiction;
16. Welcomes the contribution of some EU Member States to the fight against impunity for the worst crimes known to humanity through the application of universal jurisdiction; encourages all the EU Member States to do the same; recommends that the role of the EU Network of Contact Points for War Crimes, Crimes against Humanity and Genocide in facilitating cooperation between EU law enforcement authorities in the prosecution of serious crimes should continue to be strengthened;
17. Underlines the fundamental role of international criminal jurisdictions in fighting impunity and addressing the relevant violations of international law concerning the illegal use and recruitment of child soldiers; is firmly opposed to children under the age of 18 years being conscripted or recruited into the armed forces or used in any way in military action; points out the importance of safeguarding their rights to a peaceful childhood, education, physical integrity, safety and sexual autonomy;
18. Calls for the establishment of effective policies and enhancing mechanisms to ensure that victims' participation at the ICC has substantive impact, including more accessible psychological, medical and legal counselling and easy access to witness protection programmes; highlights the importance of promoting awareness of sexual violence in conflict zones by means of law programmes, the documentation of gender-based crimes in armed conflicts, and the training of lawyers, judges and activists on the Rome Statute and on international jurisprudence in relation to gender-based crimes against women and children;

19. Urges the European Union and its Member States to ensure that there are training programmes for, but not limited to, police investigators, prosecutors, judges and army officials that focus, first, on the provisions of the Rome Statute and the relevant international law and, second, on the prevention, detection, investigation and prosecution of violations of these principles;
20. Takes note of the Cooperation and Assistance Agreement between the EU and the ICC; calls on the EU Member States to apply the principle of universal jurisdiction in tackling impunity and crimes against humanity, and highlights its importance for the effectiveness and success of the international criminal justice system;
21. Strongly encourages the EU and its Member States to use every diplomatic opportunity and diplomatic instrument to press for effective cooperation with the ICC, in particular with regard to the execution of pending arrest warrants;
22. Strongly encourages the EU and its Member States, with the help of the EEAS, to put in place a set of stringent internal guidelines, modelled on existing UN and ICC guidelines that are followed by the Office of the Prosecutor, outlining a code of conduct for contact between EU and Member State officials and persons wanted by the ICC, in particular when the latter still occupy official posts, regardless of their status and whether they are nationals of States Parties or non-parties to the Rome Statute;
23. Asks the EU and its Member States, in the event of a partner country issuing an invitation to, or expressing a willingness to allow, visits on its territory by an individual who is the subject of an ICC arrest warrant, to exert strong pressure on that country without delay, with a view to either arresting or supporting an arrest operation or, as a minimum, to preventing the travel of such an individual; notes that recently such invitations have been issued to Sudan's president Omar al-Bashir by Chad, China, Djibouti, Kenya and Malaysia among others;
24. Recognises the recent decision by the ICC Prosecutor to issue arrest warrants for Saif al-Islam Gaddafi and intelligence chief Abdullah al-Sanoussi of Libya in relation to the alleged crimes against humanity since the beginning of the country's uprising; stresses that their successful capture, and subsequent trial by the ICC, will serve as a crucial contribution to the fight against impunity in the region;
25. Expresses its deep concern that ICC States Parties such as Chad, Djibouti and Kenya have recently welcomed Sudan's President al-Bashir on their territories without arresting him and surrendering him to the Court, despite their clear legal obligation under the Rome Statute to arrest and surrender him;
26. Stresses the importance of strong EU action to anticipate and avoid or condemn such instances of non-cooperation; reiterates the need for the EU (and Member States) to set up an internal protocol with concrete, standard actions enabling them to respond in a timely and consistent way to instances of non-cooperation with the Court, when appropriate in coordination with mechanisms of other relevant institutions, including the Assembly of States Parties;
27. Notes that African States had a major role in creating the ICC and regards their support and close cooperation as indispensable to the Court's effective functioning and independence;

28. Calls on the African States Parties to the Rome Statute of the ICC to fulfil their obligations under the ICC Rome Statute and, in accordance with the African Union Constitutive Act, actively to support the task of holding the world's worst offenders to account by showing strong support for the Court during African Union (AU) meetings, and urges the AU to break the cycle of impunity for the gravest crimes and assist the victims of atrocities; expresses support for the Court's request to open a liaison office with the African Union in Addis Ababa;
29. Urges the EU and its Member States to mainstream the work of the ICC and the provisions of the Rome Statute in its development programmes aimed at strengthening the rule of law; calls on the EU and its Member States to provide the necessary technical, logistical and financial assistance and expertise to developing countries which have only limited resources with which to adapt their national legislation to the principles of the Rome Statute and to cooperate with the ICC, no matter whether these countries have ratified the Statute or not; further encourages the EU and its Member States to support training programmes for the police, judicial, military and administrative authorities of developing countries to introduce them to the provisions of the Rome Statute;
30. Encourages the next ACP-EU Joint Parliamentary Assembly to discuss the fight against impunity in international development cooperation and relevant political dialogue, as advocated in several resolutions and in Article 11.6 of the revised Cotonou Agreement, with a view to mainstreaming the fight against impunity and the strengthening of the rule of law within existing development cooperation programmes and actions;
31. Encourages the EEAS and the diplomatic services of the EU Member States to apply in a systematic and targeted manner the diplomatic tools used by them both to raise support for the ICC and to promote wider ratification and implementation of the Rome Statute; notes that these tools include *démarches*, political declarations, statements, and ICC clauses in agreements with third countries, as well as political and human rights dialogues; advises that appropriate action should be taken based on the evaluation of results;
32. Stresses the need for the ICC to expand its focus beyond situations of armed conflict and, more proactively, to investigate human rights emergencies that escalate to the level of crimes against humanity, and situations where domestic authorities are demonstrably unwilling to investigate, prosecute and punish alleged offenders;
33. Urges that the High Representative/Vice-President and the EU Member States launch diplomatic efforts to encourage UN Security Council members to pursue referrals to the ICC to open investigations into cases in which officials from States which are not a party to the Statute and which have allegedly engaged in crimes against humanity continue to enjoy ongoing impunity, including the recent situations in Iran, Syria, Bahrain, and Yemen;
34. Recognises the role of the EU in promoting the worldwide ratification of the Rome Statute and of the Agreement on Privileges and Immunities of the Court (APIC) and welcomes the recent accessions to/ratifications of the Rome Statute by Tunisia, the Philippines, the Maldives, Grenada, Moldova, St Lucia and the Seychelles, which brought the total number of States Parties to 118; calls for more Asian, North African, Middle Eastern and Sub-Saharan countries to become parties to the Rome Statute;
35. Urges the EU, and particularly the EEAS, to continue to promote the universality of the Rome Statute and of the APIC and the fight against impunity, as well as respect for,

cooperation with and assistance to the Court in the context of EU relations with third countries, including within the framework of the Cotonou Agreement and of dialogues between the EU and regional organisations, such as the African Union, the Arab League, the Organisation for Security and Cooperation in Europe (OSCE), and the Association of Southeast Asian Nations (ASEAN); emphasises the importance of promoting the ratification and application of the Rome Statute for the Court in the EU's bilateral dialogues on human rights with third countries;

36. Calls on the Commission and the EEAS to pursue more systematically the inclusion of an ICC clause in negotiating mandates and agreements with third countries;
37. Calls on the EU leaders to motivate all States that have not yet become party to the Rome Statute to become States Parties; in so doing the emphasis should be particularly on the permanent members and the non-permanent members of the UN Security Council;
38. Welcomes the participation of the United States as an observer at the Assembly of States Parties of the ICC and expresses the hope that it will soon become a State Party;
39. Welcomes Tunisia's recent accession to the Rome Statute and hopes that this will send a positive signal to other North African and Middle Eastern countries, so that they may follow suit; further welcomes the recent ratification of the Rome Statute by the Philippines, which increases the number of Asian States in the Court's system and gives an important signal that Asian membership in the ICC is growing, as well as the recent ratification of the Rome Statute by the Maldives and the recent bill by the National Assembly of Cape Verde authorising ratification of the Rome Statute, and hopes that its government will proceed accordingly without delay; expresses its hope that all Latin American countries will join the ICC;
40. Calls on Turkey, the only official EU candidate that has not yet done so, to become a State Party to the Rome Statute and to the Agreement on Privileges and Immunities (APIC) as soon as possible, stressing the need for any future candidate countries and potential candidate countries, as well as the partner countries covered by the European Neighbourhood Policy (ENP), to do the same;
41. Calls on the EU and its Member States to support the capacity and the political willingness of third countries – in particular ICC situation countries and countries under preliminary analysis by the ICC – to undertake national proceedings on genocide, war crimes and crimes against humanity; in that framework, calls on the EU and its Member States to support reform processes and national capacity-building efforts aimed at strengthening the independent judiciary, the law-enforcement sector and the penitentiary system in all countries directly affected by the alleged commission of serious international crimes;
42. Stresses that the effectiveness of the principle of complementarity of the Court lies in the primary obligation of its States Parties to investigate and prosecute war crimes, genocide and crimes against humanity; expresses concern that not all of the EU Member States have legislation defining these crimes under national law over which their courts can exercise jurisdiction;
43. Urges those States that have not yet done so to enact full and effective implementing legislation in transparent consultation with civil society, and to endow their national judiciaries with the necessary tools to investigate and prosecute these crimes;

44. Reaffirms the need for the EU and its Member States to enhance their diplomatic efforts among non-parties to the Rome Statute and regional organisations (e.g. the AU, ASEAN, and the Arab League) to promote a better understanding of the mandate of the ICC, i.e. the pursuit of perpetrators of war crimes, crimes against humanity and genocide, including through the development of a special communication strategy on that issue, and to foster greater support for the Court and its mandate, in particular in UN fora such as the UN Security Council;
45. Affirms the crucial role of the EU Member States' diplomatic support for the ICC's mandate and for its activities in UN fora, including the UN General Assembly and the UN Security Council;
46. Stresses the need for continued diplomatic efforts to encourage UN Security Council members to ensure the timely referral of cases, as postulated in Article 13 (b) of the Rome Statute and as most recently illustrated by the unanimous referral of the situation in Libya to the ICC by the UN Security Council; also expresses its hope that the UN Security Council will refrain from deferring investigations or prosecutions of the Court as postulated in Article 16 of the Rome Statute;
47. Calls on the UN Security Council members and the UN General Assembly members to find appropriate ways and means for the UN to provide the Court with financial resources to cover the costs related to the opening of investigations and prosecutions into situations referred by the UN Security Council in accordance with Article 115 of the Rome Statute;
48. Calls on the EU Member States to ensure that coordination and cooperation with the ICC is included in the mandate of relevant regional EU Special Representatives (EUSRs); calls on the High Representative to appoint an EUSR on International Humanitarian Law and International Justice with the mandate to promote, mainstream and represent the EU's commitment to the fight against impunity and the ICC across EU foreign policies;
49. Calls on the EEAS to ensure that the ICC is mainstreamed across the EU's foreign policy priorities, by systematically taking into account the fight against impunity and the principle of complementarity in the broader context of development and rule of law assistance, and in particular to encourage transition states in the Southern Mediterranean to sign and ratify the Rome Statute;
50. Affirms that the EU should ensure that the EEAS has the necessary expertise and high-level capacity to make the ICC a real priority; recommends that the EEAS ensure adequate staffing levels both in Brussels and within delegations of officials tasked with handling international justice issues, and that the EEAS and the European Commission further develop staff training on international justice and ICC issues, establishing a staff exchange programme with the ICC in order to promote mutual institutional knowledge and facilitate further cooperation;
51. Urges all the States Parties to the ICC, the EU and the ICC itself, including the Office of the Prosecutor, to make every effort to prosecute and punish the perpetrators of sex crimes against humanity, which are a specific category of the crimes against humanity falling within the jurisdiction of the ICC (Article 7 of the Rome Statute) and include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and any other form of sexual violence of comparable gravity, along with persecution on gender grounds; notes that such sex crimes are particularly despicable insofar as they are often perpetrated on a

large scale and constitute war crimes as well as crimes against humanity (Article 8 of the Rome Statute) targeting the most vulnerable groups – women, children and civilians – in countries already weakened by conflicts and/or food shortages or famine;

52. In the context of the upcoming election of six new Judges and a new Prosecutor, to take place at the December 2011 session of the Assembly of States Parties, urges EU Member States to elect the most highly qualified candidates through a fair, transparent and merit-based process, ensuring both geographic and gender balance, and to encourage States from regions that benefit from Minimum Voting Requirements (such as the Group of Latin America and Caribbean Countries (GRULAC)) to take advantage of this and nominate sufficient candidates, thus ensuring balanced regional representation on the bench; notes that the election of a new Prosecutor is of the utmost importance for the effectiveness and legitimacy of the Court, and expresses appreciation for the work of the Search Committee established by the Bureau of the Assembly of States Parties;
53. Welcomes proposals for establishing an advisory committee to receive and review all nominations of new judges as postulated in Art. 36(4c) of the Rome Statute as well as the establishment of a search committee for the ICC Prosecutor, and expresses its opinion that the work of the search committee should not be influenced by political considerations;

The need to ensure further financial and logistical assistance for the Court

54. Welcomes the EU's and individual Member States' financial and logistical support for the ICC thus far and recommends that current forms of support, either through the regular budget of the ICC funded by States Parties' contributions or through EU funding such as the European Instrument for Democracy and Human Rights (EIDHR), are continued, especially in the following fields: outreach activities aimed at helping victims and affected communities; legal representation; witness relocation; the participation and protection of victims/witnesses, with special consideration for the needs of women and juvenile/child victims; the provision of support enabling the Court to cover urgent operational needs stemming from new investigations; calls on the EU and its Member States to support the Court's efforts to enhance its field presence, recognising the importance of the ICC field presence for promoting understanding and support for its mandate, as well as involving and assisting communities victimised by crimes falling under the Court's jurisdiction; expresses its concern that the lack of resources remains an impediment to the optimal functioning of the Court;;
55. Stresses the significant impact of the Rome Statute system on victims, individuals and communities affected by the crimes under the Court's jurisdiction; considers the Court's outreach efforts crucial to promoting understanding and support for its mandate of managing expectations and enabling victims and affected communities to follow and understand the international criminal justice process and the work of the Court;
56. Recommends that the EU Member States continue to provide adequate funding for the ICC Trust Fund for Victims (in order to complement potential upcoming reparation awards while continuing to carry out current assistance activities) and to contribute to the newly established ICC Special Fund for Relocations, to the Fund for family visits of detainees at the seat of the Court in The Hague, to the Legal Aid Programme and to the costs associated with maintaining and expanding the ICC field presence;
57. Strongly supports the ICC's efforts to expand and strengthen its field presence as this is key

to improving its ability to carry out its functions, including investigations, outreach to victims and affected communities, witness protection and facilitating victims' rights to participation and reparations and which, in addition, , is a crucial factor in enhancing the Court's impact and its ability to leave a strong and positive legacy;

58. Encourages the EU to secure adequate and stable funding for civil society actors working on ICC-related issues within the European Instrument for Democracy and Human Rights (EIDHR), and encourages the EU Member States and existing European foundations to continue their support for such actors;
59. Encourages the EU Member States and the EEAS to start discussions relating to the review of current EU financial instruments, in particular the European Development Fund (EDF) with a view to examining how they could further contribute to supporting complementarity activities in beneficiary countries in order to boost the fight against impunity within these countries;
60. Recognises the current efforts by the Commission to establish an 'EU Complementarity Toolkit' aimed at developing national capacities for the investigation and prosecution of alleged international crimes, and encourages the Commission to ensure its implementation, with a view to integrating complementarity-related activities into aid programmes and achieving better coherence among the various EU instruments;
61. Calls on all the ICC States Parties to promote joint efforts to improve trials at national level of the most serious crimes, such as war crimes, crimes against humanity, and genocide;
62. Welcomes the initiative of the Commission of organising a seminar for European and African civil society to discuss international justice in Pretoria in April 2011, takes notes of the recommendations from that meeting and calls on the Commission to continue to support such opportunities;
63. Recalls that the European Parliament was one of the earliest vocal supporters of the Court and notes its essential role in monitoring EU action in this matter; calls for the insertion of a section on the fight against impunity and the ICC in the EP Annual Report on Human Rights in the world and further suggests that the European Parliament play a more proactive role by promoting and mainstreaming the fight against impunity and the ICC in all EU policies and institutions, including in the work of all the committees, groups and delegations with third countries;

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64. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.