



Letter of Understanding on Co-operation between the Office of the Prosecutor of the International Criminal Court and Eurojust

The Office of the Prosecutor of the International Criminal Court, represented by the Prosecutor, Mr. Luis Moreno-Ocampo (hereafter, the Prosecutor), and Eurojust, represented by the President of the College, Mr. Michael Kennedy (hereafter, collectively, the Parties),

Considering that the Rome Statute of the International Criminal Court (hereafter, the Rome Statute) empowers the Prosecutor to investigate and prosecute those persons responsible for the most serious crimes of concern to the international community as a whole;

Considering that the competence of Eurojust, as laid down by the Decision of the Council of the European Union of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (hereafter, the Eurojust Decision), in particular Article 4 thereof, covers various types of serious crimes, including participation in a criminal organisation as referred to in that provision;

Considering that both Parties have a role in combating crimes within their respective mandates;

Considering that Article 54 of the Rome Statute, concerning the duties and powers of the Prosecutor, empowers him to seek evidence of crimes within the jurisdiction of the International Criminal Court, and, in doing so, allows him to request the co-operation of any State or intergovernmental organisation in accordance with its respective competence or mandate, and to enter into such arrangements or agreements, not inconsistent with the Rome Statute, as may be deemed necessary to facilitate the co-operation of such States or organisations;

Considering that Article 26(5) of the Eurojust Decision provides that Eurojust may, in order to accomplish its objectives, establish contacts and exchange experiences of a non-operational nature with other bodies, in particular international organisations;

Considering that Article 27(3) of the Eurojust Decision dealing with exchanges of information with partners allows Eurojust to conclude co-operation agreements, approved by the Council of the European Union



(hereafter, the Council), with *inter alia* international organisations, and that, in order to resolve urgent matters, Eurojust may also co-operate with such organisations without concluding an agreement with them, provided that such co-operation does not involve the transmission of personal data to them by Eurojust;

Emphasising the Parties' wish to examine areas of cooperation with a view to conclude a cooperation agreement;

Considering the Council Common Position of 16 June 2003 on the International Criminal Court and the following Action Plan of 4 February 2004 urging the European Union and its Member States to support the effective functioning of the Court; and

Considering the Agreement between the International Criminal Court and the European Union on Cooperation and Assistance concluded on 10 April 2006;

HAVE AGREED:

1. To enhance contacts between the two organisations and exchange experiences of a non-operational nature;
2. To explore areas of cooperation with the aim of concluding a Co-operation Agreement to be adopted according to their respective procedural rules; and
3. That such Co-operation Agreement should enhance co-operation between the Parties, especially in facilitating the use of their respective channels to gain access to general and specific information about serious types of crime within their respective competences.

Done at The Hague, on 10 April 2007, in two authentic copies.

For the Office of the Prosecutor of the
International Criminal Court:
The Chief Prosecutor,

Luis Moreno-Ocampo

A handwritten signature in black ink, appearing to read "Luis Moreno-Ocampo".

For Eurojust:

The President of the College,

Michael Kennedy

A handwritten signature in blue ink, appearing to read "Michael Kennedy".