

ASP - ICC address*

The Hague, 20 November 2015

Excellencies, honourable delegates, ladies and gentlemen – on behalf of the International Bar Association (IBA), I am grateful for this opportunity to address the Assembly on voluntary cooperation, one of the critical issues currently facing the International Criminal Court (ICC). We wish to thank in particular the Assembly's cooperation co-facilitators for placing this issue at the forefront of the cooperation agenda, including by convening this panel in the context of ASP 14.

Ladies and gentlemen, the IBA considers itself a constructive supporter of the ICC. As the largest global network of lawyers and bar associations, the IBA works to promote the rule of law worldwide. We believe in the Court and its mandate to end impunity and deliver fair justice.

As such, the IBA ICC & ICL Programme based in The Hague has been a strong advocate for cooperation, in particular voluntary cooperation as illustrated by the address made before you at the ASP12 by the former director of the Office. We hope to continue this support as the IBA firmly believes the system created by the Rome Statute cannot be effectively realized without voluntary agreements on witness protection, interim release, enforcement of sentences and the relocation of persons released by the Court.

As many of you have highlighted through the general debate and here today, voluntary cooperation is a key priority. During the 2010 ICC Review Conference in Kampala, Uganda, States Parties pledged concretely to support the Court, notably by concluding additional framework agreements.

Numbers remain appallingly low though in particular regarding accused persons: no new agreement on the enforcement of sentences has been signed since 2012; no agreement on the relocation of persons released by the Court has been signed and only one agreement for interim release stands.

Framework agreements are a feature of cooperation of course but they are also a feature of: complementarity, the Court's progress towards efficiency and of the budget, three critical areas of discussion and of interest to you at this ASP.

Complementarity...because framework agreements are unique, catered for the specific needs and realities of States, and present opportunities to build capacity at the national level on issues relevant to your own programmes and practices on issues such as witness protection and prisons' standards through partnerships with the UNOCD or the ICRC.

The Court's efficiency...because limited framework agreements can ultimately result in delayed trial proceedings, protracted pre-trial detention for defendants, and unfair resolution of the fate of acquitted persons.

Budget ...because the lack of framework agreements creates added costs for the Court as it needs to address, on an ad hoc basis, arrangements for each and every situation related to witness relocation, interim release in each and every case before it.

Framework agreements serve the Court, but they also serve States as States Parties to the Rome Statute and as national entities.

Finally the Court and the ASP should avoid the difficulties encountered by the International Criminal Tribunal for Rwanda (ICTR), which could not find enough States willing to accept acquitted or released persons.

With the closure of the ICTR at the end of this year, and keeping in mind its unfortunate legacy in that area, the IBA urges the ASP to call upon States to honour their commitments and pledges, and to set a deadline for States to indicate what steps have been taken to conclude framework agreements.

As the Registrar just said: “Solutions can always be found”.

I thank you for your time.

**This is an unedited speech presented by Aurelie Roche-Mair, IBA ICC/ICL Programme Director*

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