

IBA Hague Office welcomes the first International Criminal Court agreement on the release of persons after acquittal

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The **International Bar Association's (IBA) International Criminal Court and International Criminal Law (ICC & ICL) Programme**, based in the IBA's Hague Office, today welcomed the signing of agreements between Argentina and the ICC as means to facilitate the Court's ability to realise the rights of the accused under the Rome Statute.

On 28 February 2018, **Argentina signed two cooperation agreements with the ICC**. With the signings, Argentina became the first ICC State Party to sign a cooperation agreement on the release of persons and the second State Party, after Belgium, to sign a cooperation agreement on interim release.

The ICC's legal regime provides that States Parties cooperate with the Court to accomplish a number of core functions, including the implementation of arrest warrants, witness protection, interim release of accused persons and enforcement of sentences. However, the low number of existing voluntary agreements has created operational challenges and limitations for the Court. This is particularly the case for interim release, enforcement of sentences and relocation of persons released by the Court, all areas where state cooperation is required to implement judgments and judicial orders.

Argentina is now the only State Party to have signed all forms of voluntary agreements, having signed cooperation agreements for the protection of witnesses in November 2016 and for the enforcement of sentences in April 2017.

Aurélie Roche-Mair, Director of the IBA's ICC & ICL Programme, stated: *'Voluntary cooperation agreements support a number of aims pursued by States Parties, including complementarity, as the agreements are individually negotiated instruments that take into account the needs and realities of each State Party, while also presenting opportunities to build capacity at the national level. They also support the efficiency of the Court, as the lack of agreements can result in delays to trial proceedings, protracted pre-trial detention for defendants and the inability of the Court to implement judicial orders.'*

She continued: *'Hopefully, States Parties that have not yet concluded voluntary agreements will respond to the Court's call for this crucial form of cooperation particularly with respect to enforcement of sentences, interim release and relocation of persons released by the Court.'*

Dr Mark Ellis, IBA Executive Director, added: *'Argentina's commitment to cooperation with the ICC should be applauded. This is an important contribution and a great example that we hope other States Parties will follow. Cooperation is a cornerstone of the system of international criminal justice created by the Rome Statute.'*

ENDS

Notes to the Editor

- **1. About the ICC & ICL Programme**

The IBA commenced the **ICC & ICL Programme** in 2005. The Programme monitors issues related to fairness and equality of arms at the ICC and other Hague-based war crimes tribunals and encourages the legal community to engage with the work of these Courts. The IBA's work includes thematic legal analysis of proceedings, and ad hoc evaluations of legal, administrative and institutional issues that could potentially affect the rights of defendants, the impartiality of proceedings and the development of international justice.

The Programme also acts as the interface between the Courts and the global legal community. As such, special focus is placed on monitoring emerging issues of particular relevance to lawyers and collaborating with key partners on specific activities to increase engagement of the legal community on ICC and ICL issues.

Programme information is disseminated through regular reports, expert discussions, workshops and other events and expert legal analysis on issues relevant to our mandate.

Based at the Peace Palace in The Hague, the IBA's ICC & ICL Programme consults and interacts with Courts' officials, civil society organisations, academics and international lawyers.

- **2. The **International Bar Association** (IBA) – *the global voice of the legal profession* –** established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. Through its global membership of individual lawyers, law firms, bar associations and law societies it influences the development of international law reform and shapes the future of the legal profession throughout the world.

The IBA's administrative office is in London, United Kingdom. Regional offices are located in: São Paulo, Brazil; Seoul, South Korea; and Washington DC, United States, while the International Bar Association's **International Criminal Court and International Criminal Law Programme** (ICC & ICL) is managed from an office in The Hague, the Netherlands.

The **International Bar Association's Human Rights Institute** (IBAHRI), an autonomous and financially independent entity, works to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

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