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7 March 2018

Setting the mark for Rome Statute 20: Argentina first to conclude full range of framework cooperation agreements with ICC

As the first state to have now concluded all four cooperation agreements with the ICC, Argentina demonstrates concrete state commitment to international justice in the Rome Statute 20th anniversary year.

Lima / The Hague – The conclusion by Argentina of the full range of cooperation agreements with the International Criminal Court (ICC) is a concrete demonstration of the country's commitment to international justice, the Coalition for the International Criminal Court said today.

“Without state cooperation international justice cannot work effectively. With the signing of these four cooperation agreements, Argentina has set an unprecedented example for countries in Latin America and around the world to honor their commitments to robust cooperation,” said **William R. Pace, Convenor, Coalition for the ICC**. “We call on other ICC member states to follow Argentina's lead in concluding the full range of cooperation agreements with the ICC. This 20th anniversary year of the Rome Statute is a key opportunity for states to back up statements of support with concrete measures to improve the functioning of international justice.”

After a suspect has been surrendered to the ICC, a number of reasons can lead to a judicial order for that person's final release: the ICC does not have jurisdiction; the case against the person is deemed inadmissible; charges have not been confirmed prior to trial; or the person has been acquitted at trial or on appeal.

“On behalf of the 1350 Members of PGA in 142 countries, I welcome the conclusion by Argentina of the cooperation-agreements with the ICC on interim release and the release of persons, both essential to respect the rights of the accused and of the convicted persons. Having fully implemented the Rome Statute and signed all four cooperation agreements with the ICC, Argentina is playing an exemplary role not only for the Latin American region, but for the world community,” **Dip. Carla Pitiot stated on behalf of the global membership of Parliamentarians for Global Action**.

Argentina is only the second country, after Belgium in 2014, to conclude a framework agreement on hosting defendants granted interim release. Argentina previously signed a cooperation agreement on the relocation of ICC witnesses in 2016, and one on the enforcement of ICC sentences in 2017.

“With the signing of these cooperation agreements, Argentina has bolstered the rights of defendants before the ICC, which will contribute greatly to addressing situations that have arisen whereby defendants eligible for final or interim release have ended up in prolonged detention,” said **Michelle Reyes Milk, Regional Coordinator for the Americas, Coalition for the ICC**.

Interim, or temporary, release can be ordered for reasons such as unreasonable period of detention prior to the start of trial, or because the need for detention does not present itself—namely to ensure appearance at trial; to ensure against obstruction or endangerment of an investigation or proceedings; and to prevent the continued commission of alleged or related Rome Statute crimes. Thus far interim release has only been ordered in obstruction of justice (“Article 70”) cases.

CONTACTS

In New York

William Pace

Convenor

Tel: +1-646-465-8533

Mob: +1 646 465 8533

pace@coalitionfortheicc.org

Jelena Pia-Comella Deputy

Executive Director

comella@coalitionfortheicc.org

+1.646.465.8525

In Lima

Michelle E. Reyes Milk

Regional Coordinator for the Americas

Tel: (+51) 1-202-7184

reyes@coalitionfortheicc.org**In The Hague**

Kirsten Meerschaert

Director of Programs

meerschaert@coalitionfortheicc.org

+31 (0) 70 311 1087

Niall Matthews

Head of Communications

matthews@coalitionfortheicc.org

+31 (0) 70-3111085



“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,” said **Aurélie Roche-Mair, Director of the IBA’s ICC & ICL Programme.**

“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.”

Member states must fill the enforcement gap

In deciding in 1998 at the adoption of the Rome Statute that the ICC would not have enforcement powers of its own, it has been up to member states to make sure the Court’s prosecutorial and judicial functions are supported, including in relation to the protection of individuals and the enforcement of judicial decisions and sentences.

While not strict obligations, ICC member states have acknowledged that relocation of victims under threat, enforcement of sentences delivered by the Court, and hosting released persons are essential functions that the Court cannot undertake on its own.

In 2007 the Assembly of States Parties to the Rome Statute (ASP) adopted 66 cooperation recommendations that include guidance to member states on how to create a global framework to assist the Court in carrying out some of its most important activities while upholding fundamental rights and standards for victims and defendants alike.

The ASP adopted during its annual session in 2015, based on challenges and lessons learned in implementing the original 66 recommendations, seven key recommendations moving forward. Read more [here](#).

About the ICC

The ICC is the world’s first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. As one of the most historic advances in the protection of global human rights, the innovative system established by the Rome Statute is designed to punish perpetrators, bring justice to victims and contribute to stable, peaceful societies. The Court has already made significant progress in holding those most responsible for atrocities to account. Victims are already receiving help to rebuild their lives. But global access to justice remains uneven, and many governments continue to deny the ICC jurisdiction where it is most needed.

About us

The Coalition for the ICC is a network of 2,500 civil society organizations, small and big, in 150 countries fighting for global justice for war crimes, crimes against humanity and genocide for over 20 years. We made international justice happen; now we’re making it work. www.coalitionfortheicc.org

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