

Update on Cooperation

Signing the Enforcement of Sentences Agreement with the Court on the 11th of October, 2021

France is a historical advocate of the International Criminal Court, particularly in terms of its cooperation needs. The signing of a framework agreement naturally extends its commitment through the role held by the Ambassador in The Hague as a co-facilitator on cooperation in order to encourage all forms of cooperation with the Court, which is crucial for the implementation of its mandate.

In 2012, the Court made a proposition to France with respect to the negotiation of a framework agreement on the enforcement of its sentences. The agreement, signed by the Garde des Sceaux (Keeper of the Seals) and the President of the Court on the 11th of October, 2021, establishes a framework for the reception of persons sentenced by France. It is now possible for the Court to turn to France to be the place of enforcement of the sentences it pronounces, in view of allowing for a swift execution of the Court's orders. Indeed, the purpose of a framework agreement is to shed light on the conditions and certain legal and operational details of this execution.

Negotiations were initiated in November 2021, subsequent to the agreement in principle given by the French Minister of Justice. Negotiation meetings were held remotely with the legal team of the Office of the President under the direction of Hiram Abtahi, coordinated for France by the Legal Affairs Directorate of the Ministry of Europe and Foreign Affairs.

In particular, discussions on the following issues had to be held:

- The link between domestic and international norms and standards, and more particularly the question of the law applicable to convicts, including the regime of sentence reductions and adjustments;

- Obligations relating to the conditions of detention, including the inspection of conditions of detention and the treatment of detainees by the International Committee of the Red Cross (ICRC) and the taking into account of its recommendations by asking France to inform it of any follow-up action taken;
- The complexity of monitoring detainees in France.

The context of the health crisis was overcome, as this negotiation was concluded after 9 months, following numerous long-distance exchanges. This particularly rapid negotiation resulted in a version of the agreement that satisfied both parties and clarified the applicable law.

The agreement is now undergoing the legislative procedure necessary for its approval in France.

The agreements on the enforcement of sentences are essential, since the number of detainees in the Court's custody can increase significantly, given the investigations and trials that are submitted to it.

The Court has concluded similar agreements on the enforcement of sentences with 11 other States Parties. France encourages all States Parties to enter into negotiations to achieve agreements that strengthen the cooperation with the Court without which it cannot function.