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**Judge Piotr Hofmański
President of the International Criminal Court**

**20th Session of the Assembly of States Parties to the Rome Statute
Remarks at Plenary Meeting on Cooperation**

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Excellencies, distinguished delegates, ladies and gentlemen:

It is a great pleasure to address this plenary meeting on cooperation.

This is a crucial topic. Without cooperation, the Court would not be able to perform its mandate.

Full cooperation with the ICC's investigations and prosecutions is arguably the most important obligation that States assume when becoming parties to the Rome Statute. The various forms of this obligation are detailed mainly in Part 9 of the Statute.

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At the same time, there are also several key areas in which we need States to come forward with voluntary assistance.

One of these is the enforcement of sentences.

The Court does not have a prison of its own, and the sentences it pronounces cannot be enforced without the cooperation of a State willing to receive the convicted person. Yet, this is not a strict obligation on any single State Party. Rather, it is a shared responsibility.

That is why we need as many States as possible to join the list of States Parties willing to accept convicted persons. This is done by negotiating and concluding a framework agreement with the ICC Presidency, which consolidates in one document all the legal provisions governing the enforcement of sentences.

I would like to stress that the conclusion of this agreement does not yet bind the State Party to accept any sentenced person.

This is because designating the state of enforcement operates on the principle of "double consent": States must first declare willingness to accept prisoners in general, by concluding an framework agreement, and then again in a specific case.

When a sentence pronounced by the ICC becomes final, the ICC Presidency selects the State of enforcement from the list of States which have indicated their general willingness. In doing so, the Presidency considers many relevant factors, including the principles of equitable distribution, the views and nationality of the convicted person, and international treaty standards governing the treatment of prisoners.

And, as I indicated, we must also obtain in advance the agreement of the State to receive the specific prisoner in question.

To date, 13 States Parties have concluded framework agreements with the Court on the enforcement of sentences – the latest one being France two months ago, for which we are very grateful.

But additional agreements are needed, to share the responsibility, and to ensure sufficient flexibility. This is particularly important as more and more ICC proceedings reach the enforcement phase.

[National implementation and APIC]

Excellencies, ladies and gentlemen:

Before I finish, I would like to echo two important points made by the President of the Assembly.

These are the ratification of the Agreement on the Privileges and Immunities, and the national implementation of the Rome Statute, to provide national procedures for cooperation.

These crucial steps should be taken by all States Parties to the Rome Statute; however, almost half of them are yet to do one or the other, or both. Accordingly, I urge renewed attention on these important issues.

Implementing the cooperation obligations in national law is crucial for the sake of ensuring smooth and efficient cooperation with the Court on concrete requests, and to avoid any situation in which the lack of adequate provisions in national law would hinder a State from carrying out its obligations.

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The APIC is an essential complement to the Rome Statute, as it defines in greater detail the necessary privileges and immunities of the Court and its personnel.

Classic examples include the protection of the Court's property from search and seizure, and the inviolability of the Court's documents and communications.

These are not matters of convenience; rather, they are essential guarantees for the Court's independence and the integrity of its investigations and proceedings.

As such, the APIC has a real impact on operational efficiency. When the Court needs to conduct a mission to a State that has not ratified APIC, precious time must be used to seek advance guarantees of the necessary privileges and immunities by other means.

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Excellencies, ladies and gentlemen,

I would like to finish my remarks with an expression of gratitude to France and Senegal for all their efforts as co-focal points on cooperation. I also reiterate the Court's gratitude to all States and organisations that extend their cooperation as well crucial political support to the ICC.

Thank you, and thank you for your attention.

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