

## Embassy of France to the Netherlands

*Chancellery*

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The Embassy of France presents its compliments to the Secretariat of the Assembly of States Parties in The Hague and, pursuant to its note verbale ICC-ASP/9/SP/PA/21 of 9 August 2010, has the honour of providing herewith the answer to its questionnaire in relation to point h) of the Plan of action.

### **1/ Ratification and implementation of the Rome Statute. Solution to constitutional issues arising from ratification; examples of implementing legislation for the Rome Statute:**

Solution to the constitutional issue arising from ratification; examples of implementing legislation for the Rome Statute.

France ratified the Rome Statute of the International Criminal Court on 9 June 2000. The French constitution had been revised in 1999 to enable the Rome Statute to be ratified by the addition of an article 53(2) providing [TRANSLATION]: "The Republic may recognise the jurisdiction of the International Criminal Court under the conditions provided for/ laid down in the Treaty signed on 18 July 1998."

In adopting Law No. 2002-268 of 26 February 2002 on Cooperation with the International Criminal Court, France had already complied, even before the entry into force of the Rome Statute, with the obligation incumbent upon States Parties to the Rome Statute to amend their internal laws in order to "fully cooperate" with the Court.

That Law provides that cooperation requests are executed, depending on the case, either by the State Prosecutor or by the Paris Examining Judge, acting throughout the national territory, and, as appropriate, together with the Prosecutor of the International Criminal Court or his or her representative, or any other person mentioned in the request of the International Criminal Court.

Law No. 2010 930 of 9 August 2010, Amending French Criminal Law to Take Account of the Institutional Requirements of the Court completes the amendment of French legislation so as to comply with the Rome Statute. That Law contains all the necessary provisions to criminalize the offences provided for under the Statute as comprehensively as possible, and goes even further by giving French Courts jurisdiction of a quasi-universal nature to prosecute foreign perpetrators suspected of having committed crimes of genocide, crimes against humanity and war crimes.

France has also ratified the Agreement on Privileges and Immunities of the International Criminal Court, which entered into force on 22 July 2004.

**2/ National or regional initiatives to promote ratification and/or full implementation of the Rome Statute; technical assistance; planned events and activities:**

As one of its members, France actively supports all the measures taken by the European Union aimed at achieving universality for the Court and encouraging States to ratify the Rome Statute and ensure its effective implementation.

At national level, France is contributing to the implementation of the Rome Statute through various projects, in particular as a result of its cooperation with the Jurisdiction, Complementarity and Cooperation Division (DJCC) of the Office of the Prosecutor of the Court.

Jointly with the International Organisation of La Francophonie (OIF), it co-financed the organisation together with the DJCC of a regional training seminar on the mechanisms of the ICC: "Perspectives on the Issues and Prospects surrounding International Criminal Justice: The International Criminal Court and National Jurisdictions"; the first version of the report of that event is annexed to this note.

The above conference was held in Yaoundé from 4 to 8 October 2010. Representatives of Foreign and Justice Ministries, lawyers and judges as well as civil society representatives working to protect and promote human rights participated in the conference, representing seven different Central African countries (Burundi, Cameroun, Central African Republic, Chad, Congo Brazzaville, Democratic Republic of the Congo, and Gabon).

As one of the pledges made by France at the Review Conference of the Rome Statute in Kampala (May 2010), this event was intended to enhance the abilities of African lawyers and decision makers and to improve cooperation between domestic jurisdictions, legal practitioners and the ICC by strengthening and harmonising their knowledge of the work of the Court.

Prior to this regional seminar, a similar event had been organized by the OIF and the ICC from 7 to 11 December 2009 in Dakar.

It is envisaged that other regional seminars may be organised on the African continent or in other regions.

These events are in addition to the support provided by France to civil society capacity strengthening programmes.

France provides support to civil society capacity strengthening programmes by contributing to projects of non-governmental organisations with a view, for example, to training a large number of human rights defenders in the functioning of the International Criminal Court and rights of victims.

Finally, France has made legal specialists or prosecutors and judges available to many foreign States in order in particular to help them improve their domestic criminal justice system and, where appropriate, amend their domestic legislation to comply with the Rome Statute.

**3/ National contact point for issues relating to the promotion and implementation of the Rome Statute:**

The appropriate channel of communication between France and the International Criminal Court is the diplomatic channel via the French Embassy in The Hague.

The Embassy of France avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties to the Rome Statute the assurances of its highest consideration.

*[Signature]*

**REGIONAL TRAINING SEMINAR OF THE  
INTERNATIONAL CRIMINAL COURT**

*Yaoundé, 4 to 8 October 2010*

**REPORT**

From 4 to 8 October 2010 a regional seminar was held in Yaoundé by the International Criminal Court (ICC), with the support of the Cameroonian government, the French Ministry of Foreign Affairs and the International Organisation of La Francophonie (OIF) on the topic "Perspectives on the Issues and Prospects surrounding International Criminal Justice: the ICC and National Jurisdictions".

Delegations from the following seven Central African countries participated in the seminar:

- Burundi;
- Cameroun;
- Chad;
- Gabon;
- The Central African Republic;
- The Congo;
- The Democratic Republic of the Congo.

**The following topics were addressed:**

- The history of International Criminal Justice;
- The innovations of the Rome Statute;
- The organisation and operation of the ICC, which is composed of the Presidency, the Office of the Prosecutor and the Registry. An emphasis was put on the principles of cooperation and complementarity which guide the work of the Court, as well as on the rights of the parties and participants in the proceedings.

In order to address these issues, which were the focus of intensive days of work, and to reach the objectives set, the participants were divided into three workgroups.

**1<sup>st</sup> workgroup:** Complementarity;

**2<sup>nd</sup> workgroup:** Legal representation (victim participation, protection of witnesses, rights of the defence);

**3<sup>rd</sup> workgroup:** Cooperation.

After the workgroups, participants met together in plenary session, where several recommendations on the main themes were adopted, both on diplomatic and operational matters as well as on legal and judicial issues.

## **I. POSITIVE COMPLEMENTARITY**

### **At the diplomatic level**

- Developing international cooperation in order to help States strengthen capacities;
- Promoting cooperation through diplomatic representations in The Hague acting as communication channels between the ICC and their States;
- Encouraging States to ratify the Rome Statute;
- Enhancing the communication strategy of the ICC so as to improve the visibility of its work and to change the way it is perceived by the public.

### **At the operational level**

- Creating focal points;
- Enhancing the capacities of the various actors, by organising further training seminars and making documents accessible to the layman.

### **At the legal and judicial level**

Harmonising domestic law in line with the provisions of the Rome Statute, and applying it in practice.

## **II – LEGAL REPRESENTATION**

### **At the diplomatic level**

Entering into agreements in order to receive persons on interim release or acquitted by the Court so as to give practical effect to its decisions.

#### **At the operational level**

- Facilitating the operations of counsel in the field;
- Signing agreements to ensure that the necessary protection of victims and witnesses is provided in practice;
- Taking steps at national level to ensure the security of individuals involved in the work of the Court;
- Signing the Agreement on Privileges and Immunities applicable to all persons acting on behalf of the Court.

#### **At the legal and judicial level**

- Strengthening the capacities of those working in the field of justice in the area of international criminal law (training for practitioners, university courses and continuing education);
- Creating a provisional administration in the event of attachment of property, or freezing of assets deriving from said property, on behalf of the individual concerned, with due regard to the presumption of innocence (property relating to the crime and personal assets), good faith third parties and the organisation of the Defence.

### **III- COOPERATION**

#### **At the diplomatic level**

- Signing cooperation agreements giving Court officials privileges and immunities.

#### **At the operational level:**

- Appointing a focal point in each State in order to improve the coordination of activities carried out in the State concerned;
- Searching for pragmatic solutions to overcome difficulties in relation to the issuance of travel documents of persons travelling to The Hague to participate in trials;
- Facilitating exchanges between the ICC and State representatives, in particular with a view to preventing difficulties in relation to the execution of certain requests for cooperation.

**At the legal and judicial level:**

- Enhancing the legal and judicial framework of cooperation with the ICC;
- Strengthening the capacities of State and non-State actors.

We would like to take this opportunity to warmly thank the **Cameroonian authorities** for their availability, their involvement in the success of the seminar and for the hospitality given to trainers and participants. The **Cameroonian Ministry of Justice** clearly demonstrated in many ways its willingness to ensure the effectiveness of the Yaoundé Seminar at all times, in particular through its assistance and involvement.

Participants in the seminar would also like to thank the **International Organisation of La Francophonie** as well as the **French Ministry of Foreign Affairs** for their exemplary partnership. This seminar would certainly not have been possible without the support and help they provided in so many ways.

The participants are aware and convinced that the body of knowledge and information that they have acquired during this training exercise will allow them to develop a system of exchanges and networks with the ICC. They wish to thank the trainers from The Hague, who put great effort into making this seminar a success. They may rest assured that the objectives set by them have truly been met.

Yaoundé, 8 October 2010