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Plenary Session on Cooperation

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Excellencies,

Distinguished delegates,

Ladies and Gentlemen,

Intro and thanks

- I would like to thank a number of partners at the outset:
 - Senegal and France for their tireless efforts and commitment to the cooperation facilitation;
 - the Netherlands, our Host State, for the exemplary role it plays;
 - the situation countries in particular for their operational support in relation to protocol, security and witness protection;
 - All States that receive and reply to our requests for assistance: the Registry sent 324 requests for assistance from September 2021 to September 2022;

- Finally, I would like to thank the United Nations for their continuous support especially the missions present in our situation countries.

This year's developments mean we are now entering a period of significant new challenges.

The difficulties and challenges met so far in terms of cooperation will be bigger in scale with this change of paradigm we are seeing – here are some of the examples :

- Deploying our staff in active war zones;
- Working on the territory of non-States Parties;
- Working in an increasing number of languages;
- Developing cooperation with new partners- the Court will not be able to organise itself as it has done in other situation countries in Africa, where most countries have ratified the Rome Statute. This is new territory for the Court and it will take time to build up a supporting network allowing the Court to navigate the specific requirements of these new situations.

Confronted to these challenges, the Court will need to be present in real time, without delays and hiccups.

3 areas illustrating the challenges ahead:

- arrest operations,
- protection of witnesses,
- and cooperation in support of the defense.

[Arrests]

- Since 2018, 7 successful transfer operations, many of them under the added complications brought on by the Covid-19 pandemic.
- Arrests will be even more challenging in the future and the Court will only succeed with the active assistance and support of States.
- We will need States willing to share their intelligence and operational capabilities with the Court.
- Arrests require the development of long term strategies and dedicated experts ensuring that the arrest warrants delivered by the Court remain as a sword of Damocles on the head of fugitives.

[Witness protection]

Let me turn now to witness protection.

- We now have 24 States that have signed relocation agreements with the Court. I would like to thank the Czech Republic that signed an agreement last week.
- The situation remains dire.
- Example to illustrate the problem: In 2022, we were able to place 13 witnesses and their families permanently. There are however 21 witnesses and their families still awaiting for relocation.
- We have discussed these issues during the side event which we organized Tuesday with Argentina, Sweden and the US, and with the participation of the IIMM (Independent Investigative Mechanism for Myanmar).
- The technical session that will follow this segment will touch upon the lessons we learnt over the last 20 years and how they could inform us on the challenges ahead in particular with respect to the protection of so called insiders.

[Rights of the Defence]

Another area which will require specific attention in the future is that of support to defence through release, interim release and financing of family visits.

- The discrepancy between what the legal texts foresee and the practicality of it is significant. Both Mr Laurent Gbagbo and Mr Charles Blé Goudé were able to return to Cote D'Ivoire after their release in 2019 and acquittal in 2021. However considerable amount of resources were allocated by the Registry both financially and in terms of human resources to achieve this outcome. This is in addition to the reputational costs for the Court. This is not a one off and we need to get prepared in a more sustainable and structural way for the next possible release.
- The Court updated its agreements on release and interim release and will be contacting you again to start negotiations on this basis.
- We have reached out to the UN and a number of States to ensure that the needs of the defense are part of our standard agreements or that separate procedures enable them to conduct their investigative work.

- Together, we have been successful in finding a more structural solution when the TFFV has been depleted . I am happy to report that we have collected 90 000 euros for the TFFV so far this year. I would like to thank Germany, Ireland and Austria for their donations.

[Challenges ahead and solutions]

In summary, to meet these new challenges, the Court needs its States Parties to :

- Facilitate access to your intelligence services to enable us to develop our strategic thinking in such areas as the arrest of fugitives;
- Support our operations including with transport, medical and security assistance to ensure that we are adequately equipped to work in war zones;
- Enter into relocation agreements to enable us to protect our witnesses;
- Enter into release agreements to respect the rights of the defense;
- Assist us in developing a network of experts for a global reach and solid basis on which to ground our cooperation efforts.

I am convinced that with the unfettered commitment of our staff and the strong and constant support of our States parties, the Court will prevail.