



**Cour
Pénale
Internationale**

**International
Criminal
Court**

Le Président
The President



Judge Piotr Hofmański
President of the International Criminal Court

Remarks at Plenary Session on Cooperation

22nd Session of the Assembly of States Parties to the Rome Statute

8 December 2023
United Nations Headquarters
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Excellencies,
Ladies and gentlemen,

Let me start by thanking France and Senegal for their excellent work as co-facilitators on cooperation already for several years. This work is much appreciated by the Court.

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Cooperation is one of the most fundamental elements of the Rome Statute system.

The drafters of the Statute created a judicial pillar consisting of the Court, and an enforcement pillar consisting of States. Cooperation of the latter with the former is critical for the system to function as intended.

And, as you all know, full cooperation with the Court's investigations and prosecutions is a legal obligation of the States Parties, in accordance with article 86 and other relevant provisions of the Rome Statute.

And, if we consider cooperation in a broader sense, it also includes political and diplomatic support for the Court. That support is necessary both to protect the Court against attempts to undermine its work, and to expand the community of States committed to the ICC's mandate.

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Excellencies,
Ladies and gentlemen,

As I underlined in my opening remarks on Monday, it is important that the support and cooperation of States is not made conditional upon the Court acting in any specific way in the matters that fall under judicial and prosecutorial independence.

Indeed, support for the Court should be support for the institution and all its activities as a whole. States should extend their full cooperation for the Court's operations even when these may not fully align with the State's national interests. This is really essential for strengthening the rule of law at the international level.

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For full cooperation to be possible, it is vital that the States Parties domesticate the Rome Statute's cooperation provisions, adopting national procedures for all forms of cooperation foreseen in the Statute. I find it regrettable that almost half of the States Parties have not yet done that, or not done so fully.

I am of course aware that the legislative agenda of many States is very busy, with competing priorities. But think of this as a long-term investment. The ICC is a permanent institution, and it is in your interest to put in place a solid legal framework to make sure you can comply swiftly and fully with your obligations toward the Court, whenever the issue may arise.

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I also call upon all States to ratify and implement of the Agreement on the Privileges and the Immunities of the Court (APIC). This is critical for the ability of the Court's personnel, including counsel, to conduct official missions in a safe manner and without fear of interference with their independent functions.

The importance of all States Parties joining this Agreement is further underlined in light of the recent threats and attacks against the Court. The security of Court officials and staff must be taken seriously, and the APIC, which complements article 48 of the Statute, is a key tool in that respect.

As such, I must express my concern about the fact that 45 States Parties are yet to join APIC, and I urge them to do so without delay.

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Finally, I would like to appeal to all States Parties to conclude cooperation agreements with the ICC: on the relocation of witnesses, enforcement of sentences, the temporary release of persons, and the final release of persons. All these forms of cooperation are truly critical for the Court's operations.

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Excellencies,
Ladies and gentlemen,

I would like to conclude by thanking all States and organisations that extend vitally important cooperation and assistance to the ICC.

Many situation countries, in particular, have invested extensive efforts into enabling the Court to conduct its operations on their territory, year after year. This is very highly appreciated.

As I said earlier, justice is a team effort. Together we can achieve our goals.

Thank you for your attention.

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