



Cour
Pénale
Internationale
International
Criminal
Court

Le Greffe
The Registry

Tuomas Salminen

External Affairs Coordinator

22nd Session of the Assembly of States Parties

Plenary Session on Cooperation

Technical segment

Arrest of ICC fugitives

Location: New York/ Date 8 December 2023

Your Excellencies,

Distinguished Representatives,

Ladies and Gentlemen,

The Court is at a particularly critical juncture in its history. There are currently 16 arrest warrants awaiting execution, and this number only represents public arrest warrants. Without arrests, we run the risk of empty courtrooms. This prospect would be an affront to the victims who are seeking justice. It would also jeopardise the legitimacy of what the Court has accomplished, as we celebrate the 25th anniversary of the Rome Statute.

In an ideal world, following the issuance of an arrest warrant by the Chamber, the Registry would transmit a request for the arrest and surrender of the suspect to a number of well-defined States. The person would be arrested within a short timeframe and the procedure set out in Article 59 of the Rome Statute would already be incorporated into national criminal proceedings. The suspect's surrender to the Court would be organised as soon as the national proceedings were completed, and his transfer to The Hague would take place in an aircraft provided by a State Party.

*

The reality today is unfortunately quite different. It is useful to remember that the existence of the International Criminal Tribunal for the former Yugoslavia was threatened in its early years due to the challenges faced in securing arrests. This was even though States had an obligation to cooperate under Chapter VII of the UN Charter and the suspects were located within a relatively limited geographical area. That is where we are heading today if no arrest takes place. However, looking at how the ICTY and the ICTR finally managed to obtain the arrest of more than 130 fugitives brings a message of hope for the ICC. Mainly, it requires States and the Court to work together to devise political, operational and financial strategies geared towards the arrest of these fugitives.

*

The creation of a specific unit for suspects at large within the Registry will allow experts to allocate time to develop networks and partnerships and propose creative solutions together with the States who bear the ultimate responsibility for arresting the persons against whom an ICC arrest warrant has been issued. Such examples include the use of artificial intelligence to harness advanced technology, finding legal solutions to protect family members of fugitives who surrender themselves to the Court or offering rewards or financial incentives to support the arrest of fugitives.

One idea on the table is to encourage further cooperation amongst States in specific regions so that likeminded States can pool their resources to achieve the desired results.

Time is an essential element in conceiving and implementing effective arrest strategies. Well thought-out strategies that have a fair chance of succeeding can take years to pay dividends. Political circumstances may evolve to allow for arrests to take place, or fugitives may finally make the mistake that allows them to be tracked down and arrested. However, years of waiting can also mean that victims lose their faith that justice will be done.

We have learned a great deal after 17 arrest operations. One of the lessons learnt has been the importance for States to have strong implementing legislation enabling the judiciary at the national level to be in charge of the execution of the arrest warrant, thus removing potential political dimension of the arrest process. Another is that the involvement of the Court in tracking fugitives needs to be continuous. Only through this involvement can we increase the chances that our requests are answered and prioritised. And through such partnerships with national authorities can we help States to receive the up-to-date information that is so crucial to securing arrests.

This is an appropriate moment to thank the nine States Parties that have executed arrest operations pursuant to the ICC's requests, namely the Democratic Republic of Congo, the Central African Republic, Chad, Mali, Côte d'Ivoire, France, Belgium, the Netherlands, and Niger.

I would like to invite States who have a particular interest in assisting the Court on this issue to approach the Court. The Registry is always available to engage in discussions to explore ways in which we can make headway when it comes to arresting fugitives from justice.

Thank you