



Cour  
Pénale  
Internationale  
International  
Criminal  
Court

Le Greffe  
The Registry

*Tuomas Salminen*  
*External Affairs Coordinator*

## **22<sup>nd</sup> Session of the Assembly of States Parties**

### **Plenary Session on Cooperation**

Technical segment  
Arrest of ICC fugitives

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Excellences,

Distingués délégués,

Mesdames et Messieurs,

La Cour est à une période critique de son histoire. 16 mandats d'arrêts sont actuellement en attente d'être exécutés, et ce nombre ne représente que les mandats d'arrêts publics. Sans arrestation, nous courons le risque d'avoir des salles d'audience vides. Cette perspective serait un affront aux victimes qui demandent justice. Cela mettrait aussi en danger la légitimité de ce que la Cour a accompli, alors que nous célébrons le 25eme anniversaire du Statut de Rome.

Dans un monde idéal, à la suite de l'émission d'un mandat d'arrêt par la Chambre, le Greffe transmettrait une demande l'arrestation et la remise du suspect à un nombre d'États bien définis. La personne serait arrêtée dans de brefs délais et la procédure prévue à l'article 59 du Statut de Rome serait déjà incorporée aux procédures pénales nationales. La remise à la Cour du suspect serait organisée dès la fin de la procédure nationale, et son transfert jusqu'à La Haye prendrait place dans un avion mis à disposition par un État Partie.

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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.

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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