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Le Président
The President

Judge Tomoko Akane

President of the International Criminal Court

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Remarks at Plenary Meeting on Cooperation

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Excellencies,

Ladies and gentlemen,

It is a great pleasure to address this plenary meeting on cooperation. I thank the co-chairs for inviting me to speak and for their excellent work as co-facilitators on cooperation. This is a crucial topic: without cooperation, the Court would not be able to perform its mandate.

I will first address the topic of arrests. It goes without saying that arrests are necessary for the functioning of the Court. There are currently 30 pending arrest warrants that are public and the Court relies on States to enforce them and transfer the fugitives to the Court.

This is not only a legal obligation of States to the Court under the Rome Statute, but it is also a responsibility towards other States parties who took the commitment to arrest fugitives and a responsibility towards victims who await justice. When States have concerns in cooperating with the Court, they may consult the Court, provided that they are genuine and meaningful and act in a timely and efficient manner. However, it is not for States to unilaterally determine the soundness of legal reasoning and use that as an excuse to not abide by judicial decisions.

This issue is also closely linked to the question of non-cooperation. Let me underline that when a Chamber finds that there is non-cooperation, it is a legal finding by the Court based

on the Statute. The political considerations are left to this Assembly or to the United Nations Security Council, once the legal finding is made and after there is a referral.

I would also like to underline the importance of the Agreement on Privileges and Immunities of the Court (the APIC). I call on all States to ratify and implement it: it is critical for the ability of the Court's to perform its mandate.

In a time of threats of sanctions and attacks against the Court, the APIC complements article 48 of the Statute and guarantees the independence of the Court as it defines in greater detail the necessary privileges and immunities of the Court and its personnel.

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 APIC also includes the protection of the Court's funds, property and assets from interference, search and seizure, as well as the inviolability of the Court's documents and communications.

These are not matters of convenience; rather, they are essential guarantees for the Court's independence and the integrity of its investigations and proceedings.

Accordingly, I urge renewed attention on these important issues, which have a real impact on the Court's operational efficiency, in a time of political pressure against the Court.

I must therefore express my concern about the fact that 46 States Parties are yet to join the APIC, and I urge them to do so without delay.

Excellencies, ladies and gentlemen, I would like to finish my remarks with an expression of gratitude to France and Senegal for all their efforts as co-focal points on cooperation. I also reiterate the Court's gratitude to all States and organisations that extend their cooperation as well as crucial political support to the ICC. Thank you for your attention.