

Check against delivery

ASP23 - Speaking Notes of the Registrar

ASP PLENARY SESSION ON COOPERATION

5 December 2024, 15:00-16:45 CET

5 Minutes

I. Remarks:

*Madame la Présidente de l'Assemblée des Etats Parties,
Son Excellence Madame BA FAYE, Ambassadeur du Sénégal,
Son Excellence Monsieur ALABRUNE, Ambassadeur de France,
Madame la Présidente de la CPI,
Monsieur le Procureur de la CPI,
Excellences,
Mesdames et Messieurs,*

- C'est un honneur et un privilège de m'adresser à vous aujourd'hui lors de la session plénière sur la coopération de la 23e session de l'Assemblée des États parties. Permettez-moi d'exprimer ma sincère gratitude à la présidence de l'Assemblée, ainsi qu'aux co-facilitateurs sur la coopération, Ambassadeur Faye et Ambassadeur Alabrune, pour leur soutien dans l'organisation de cette discussion cruciale.
- La question clé de cette session ne pouvait être plus opportune : *comment pouvons-nous renforcer le soutien à la Cour ?* Alors que nous nous réunissons dans cette éminente assemblée, il ne fait aucun doute que nous nous trouvons à un tournant critique de l'histoire de la Cour. À l'heure où les travaux de la Cour suscitent une attention croissante et sont confrontés à de nouveaux défis, nous nous souvenons de l'engagement pris par tous les États parties à la CPI dans le préambule du Statut de Rome, « *affirmant que les crimes les plus graves qui touchent la communauté internationale dans son ensemble ne doivent pas rester impunis* ». Nous nous souvenons également de l'importance cruciale de la coopération pour permettre à la Cour de s'acquitter de son mandat : *lutter contre l'impunité pour les crimes les plus graves que l'humanité ait jamais connus*.

Check against delivery

- Permettez-moi de continuer en anglais.
- Cooperation is the bedrock of a successful model of international criminal justice as envisioned by the Rome Statute. Without effective cooperation, the Court cannot fully realise its mission to deliver justice for victims, and hold perpetrators accountable. Judicial cooperation in this context can take several forms – support to the judicial proceedings, cooperation with the defence teams, identification, as well as freezing and recovery of assets for the purposes of legal aid and potential forfeiture for future payments of fine and reparations to victims. It can also be what we refer to as voluntary cooperation, such as asking States to accept on their territory witnesses for protection purposes or defendants on interim release.
- It can be related to arrest and surrender of suspects at large, which remains a crucial endeavour for the Court and an absolutely critical – if somewhat formidable responsibility of our States Parties to cooperate in this context. Let me take a moment to touch on the political challenges in this regard. We are fortunate to rely on a solid legal framework provided by the Rome Statute, which governs this vital area.
- The number of suspects-at-large has grown significantly over the past few years. To date, there are 30 suspects at large for whom the Court has issued public arrest warrants. It is a troubling reality that some of these arrest warrants date back from over twenty years ago. In 2024, the Registry in coordination with the OTP enabled some States to launch arrest operations, one of which concerned one of the “old” arrest warrants and it required the buy-in and support from 4 different States.
- While States Parties bear the primary responsibility for executing arrests, the Registry of the Court, in consultation with the Office of the Prosecutor, must continue to play a pivotal role in coordinating these efforts, providing information, and engaging consistently with States to secure tangible results. The establishment of the Judicial Cooperation Support Section and the creation of the Suspects-at-Large Unit within the Registry at the beginning of this year reflects our commitment to enhancing coordination and prioritising arrest operations.
- The Court is also working closely together through the revitalization of the Registry-OTP *Suspect at large Working Group* in order to adopt more effective arrest strategies,

Check against delivery

and provide the maximum amount of information to States to facilitate prospective arrests and are working behind the scenes to capitalize on opportunities.

- Additionally, the Recommendations for increased engagement with States Parties on outstanding arrest warrants—championed by France and Senegal—offer a vital roadmap for future concerted action between the Court and ICC States Parties.
- While there remain obstacles ranging from operational, legal, and political challenges that hinder cooperation, there are important successes to highlight. The simultaneous arrest of four suspects in the *Bemba et al.* case across three jurisdictions and two continents, and the surrender of Dominic Ongwen and Bosco Ntaganda under complex circumstances, demonstrate what is possible when we work together with determination and ingenuity. These cases serve as powerful examples of the progress we can achieve **when political will aligns with operational capability**.
- The task ahead requires more than procedural adjustments; it demands a shared vision and collective action, and I urge the international community to lend its diplomatic and operational support, ensuring that the ICC has the tools it needs to meet the demands of its mandate.
- Understanding the political challenges some States Parties face in balancing their legal obligations to the Court with geopolitical realities, it is important to emphasize that a coherent and harmonious approach of States Parties is vital – with the independence of the judicial process and the rule of law being at the heart of accepting and supporting the Court’s decisions.
- At the same time, it’s fundamental to highlight that the Court is dedicated to maintaining regular dialogue with our States Parties. We also strongly encourage States Parties to approach the Court proactively in this regard. I would be remiss if I did not mention the impact of threats and coercive measures taken against the Court, its officials, and its staff, which is one of the most pressing external challenges currently.
- In that context, the ICC is very much linked to the *Pact for the Future* recently negotiated at the UNGA. The Pact represents a much-welcomed renewal of the commitment by States to continue to reinforce and transform global governance and strengthen the

Check against delivery

multilateral system to tackle the challenges faced in pursuit of a world that is safe, peaceful, *just*, equal, inclusive, sustainable and prosperous. A quintessential part of this is the need to reinforce the legitimacy of international criminal justice and the ICC – including as concerns cooperation mandated by the Rome Statute.

- **Justice is not a passive aspiration – it is an active pursuit.** Together, through steadfast cooperation and collective resolve, we can turn the ideals of accountability and rule of law into tangible realities. The fight against impunity demands nothing less.
- Thank you.
