

ICC

**BILATERAL
AGREEMENTS**



Belgium

By Gérard DIVE – Belgian Federal Coordinator for the Cooperation with the International Criminal Court and Tribunals



Service public fédéral
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Existing bilateral agreements btw Belgium and the ICC

1. Reinforced cooperation with OTP
2. Protection and relocation of witnesses in Belgium
3. Protection and relocation of witnesses abroad
4. Airplane transport of accused persons or other detainees
5. Enforcement of sentences
6. Provisional release



1. Advantages to conclude bilateral agreements

2. Advantages to conclude specific bilateral agreements

- ❖ **Witness protection**
- ❖ **Enforcement of sentences**





1.

**Advantages to conclude any
bilateral agreements with the
ICC**



Advantages for the ICC

1. Identification of a State willing to cooperate in a specific subject area;
2. Identification of the national contact point and competent authority dealing with the subject matter;
3. Identification of specific documents to be transmitted and procedures or rules to be followed in order to send a proper request;
4. Understanding of the State's internal organization and legal regime
5. Sparing of time and of money when a concrete request is sended



Advantages for the State Party

1. Identification of the ICC contact point and competent Unit within the Court in charge of a specific request;
2. Certainty of the transmission of a request to the competent national authority;
3. Control of the adequate adaptation of the national legislation and procedures;
4. Establishment of a network of national competent authorities dealing with a specific request;
5. Sharing of knowledge and know-how;



Advantages for the State Party

6. Political demonstration of a concrete commitment to better cooperate with the ICC;
7. Improving the concerned practice at national level;
8. Possibility to decide to implement a request on a case-by-case basis when it falls beyond the obligation to cooperate





2.

Advantages to conclude two kinds of specific agreements with the ICC

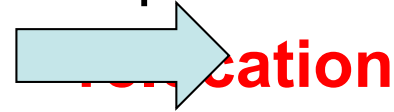


2.1 Bilateral Agreements on Witness Protection and/or Relocation



Preliminary remarks:

Protection could be done by the simple



A pre-existing **complete system of witness protection** is
not a necessity or a prerequisite



Shared advantages for the ICC and the State Party

1. Limitation in diffusion of confidential information for identification of a cooperating State;
2. Establishment of a secured channel of communication;
3. Determination of the scope of protection (close family);
4. Determination of cases of withdrawal of protection;
5. Establishment of a procedure for withdrawal of protection
6. Sharing of experience/training/practise



2.2 Bilateral Agreements on Enforcement of sentences



Shared advantages for the ICC and the State Party

1. Determination of the procedure for the transfer to the State of enforcement;
2. Determination of the procedure at the release;
3. Determination of the possibility and procedure in case of termination of the enforcement in the concerned State;
4. Precision on implementation of specific rules (*ne bis in idem* – rule of speciality);
5. Establishment of a partnership with the ICRC



**Conclusion : In short, concluding
Bilateral Agreements is like...**

From words about State's cooperation

to

Concrete acts of State's cooperation

