



**Cour
Pénale
Internationale**
**International
Criminal
Court**

Le Greffier
The Registrar

17th Session of the Assembly of States Parties
Cooperation Plenary: Arrests

Remarks by Registrar Peter Lewis

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Mr Vice-President,

Madam Prosecutor,

Excellencies,

Ambassadors,

Ladies and Gentlemen,

I am delighted to be here to follow up on some of the issues we discussed in the Seminar that was held a month ago on this very topic.

Allow me to first pay tribute for the support that was provided by the French and Senegalese co-facilitators on cooperation and to highlight that the matter of arrests is one of the three areas addressed during this session dedicated to cooperation. It is indeed highly topical as in 2018 we have had two successful arrest and surrender operations in relation to the situations in Mali and the Central African Republic respectively.

I would like to reflect on some of the issues that the Prosecutor raised at the beginning of this segment, and that this is also an issue about learning from our experiences, and that we must never lose hope in these warrants. We must never conclude that, just because of their age, they cannot be executed. We must never think that it is too late.

One of the cases that is being tried at the Court at the moment involving the situation in Uganda is there because of the execution of a warrant that was ten years old. For ten years, the victims and witnesses of that experience had never forgotten it. They were living with the consequences of the alleged crimes and for them, after ten years, it was still as fresh as on the day it occurred.

We must also never forget the impact that these alleged crimes have on the present generation. We were very fortunate with the very kind donation of Denmark to host an outreach event with regard to the situation in Uganda. We hosted a number of people from the civil society, representatives of victims, representatives of the churches, journalists, to talk about the case. What came really strongly from our engagement with them was how much this case meant for their future, not their past. The past, obviously, they wanted it to be dealt with. But in their country and in their minds, from what they said to me, their real concern about whether you could have real, long-lasting peace, was impunity. For them it was a very real and live issue, even after ten years.

The other issue I want to say to you as States Parties, and I am speaking now as the principal administrative officer of the Court, is about the subject of money. I am not asking you for more money. What I want to talk about is the investment you have made: each one of these arrests represents an investment by your governments and by your people in the cause of international peace and justice. That investment remains unrealized while these people are at large. It is not just an obligation to the Court to arrest these individuals; I think it is an obligation that we owe to you, and you owe to the people who are invested in this issue.

Turning from these issues to more practical matters, as I said at the Seminar we held a month ago, each one of these arrests for us is a learning opportunity and I am extremely pleased to know that we have had two such learning opportunities this year with the two arrest warrants that were executed.

One of the first issues to reflect upon in the fact that those operations were successful was in part, not just because of the excellent cooperation we had from the authorities in the two countries concerned, but also because they had a legal framework in place that allowed for the surrender. One of the issues that I think we all need to reflect on is that some of these people subject to arrest warrants will move. They will not just be at large in the situation countries and, sometimes, the best opportunity we will have to implement a surrender or an arrest is if these people move and travel. So the reasoning for all of us is to look at what provisions we have got in our domestic legislation to allow for cooperation when it becomes available.

The dynamic nature of these situations that we are monitoring is also very significant. As the Prosecutor has said, each one of these cases is unique: it is not dependant just on the situation and it is not dependent just on the crimes. It is about individuals: where are their support networks? Who is looking after them, are they moving? Are they travelling? We are closely tracking these cases, but every scrap of intelligence you can give us will provide us with the information we need to act. Timing is crucial, so understanding when a person may not have the protection that they have enjoyed so far, and understanding who the interlocutors are who we may deal with is hugely important. Your cooperation on intelligence-sharing is also very important to us.

There are some very practical issues that we also want your help on, including one element the Prosecutor has referred to, which is the issue of transportation.

I don't know if you had chance to reflect when you heard about the surrender operation recently, and about some of the practicalities of it. The surrender operation took place as you know

in Bangui, in the Central African Republic; the person had to be brought here, to The Hague. The process by which we did that was to hire a commercial aircraft.

Now I would invite you to pause and to give some thought to what this is like, trying to procure a commercial aircraft for an operation like this. Can you imagine the conversations that we have had with the suppliers?

- "Where is this plane going to?" We can't actually tell you now.

- "When will it be needed?" Some time, in the next few days.

- "Where is this country?" It is a long way away.

- "Who is the person we are dealing with? Is this a dangerous situation?" Well, it is not now, but it could be as a result of this trip.

- "Will there be dangerous people involved?" Well, if one refers to the allegations, very dangerous people.

- "Have they got supporters?" Yes... "Are they armed?" Yes... "The sort of arms which may shoot down a plane?" Well, since you ask, they might have.

- "Will we have to carry any armed people?" Yes, the Court is going to send armed people on this plane with you...

Now, the miracle is, we could get a plane, but you won't be surprised to know it costs a lot. It costs a lot to hire a plane for such an event.

We have started to reach out to you, and to your States, knowing that you often have aircraft available, and to see if we can use your expertise and flexibility. We need your help on these circumstances. This is one of the very practical issues we need to discuss with you.

If I can finish with this: the staff in the Registry are available to you at anytime to discuss these issues about arrest and any particular pending warrant: we want to understand what the difficulties are for you, and to work with you. I want to finish by saying how grateful we are to the Ambassador of France and the Ambassador of Senegal for their excellent support in keeping this issue firmly on your agenda.

Thank you very much.