



**MEMORANDUM OF UNDERSTANDING BETWEEN THE
INTERNATIONAL CRIMINAL COURT AND THE INTER-
AMERICAN COURT OF HUMAN RIGHTS**

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The International Criminal Court (hereinafter referred to as the "ICC") and the Inter-American Court of Human Rights (hereinafter referred to as the "IACtHR"),

PREAMBLE

NOTING the aims and purposes of the ICC and the IACtHR;

RECALLING Article 21(3) of the Rome Statute requiring that the application and interpretation of law by the ICC must be consistent with internationally recognized human rights;

NOTING that the jurisprudence of the IACtHR has contributed to promoting the observance and defence of human rights in the Americas and that the victims of human rights violations have a right to justice that is implied in the fight against impunity;

DESIRING to establish close relations between the ICC and the IACtHR in order to enhance cooperation and encourage the exchange of knowledge, experience and expertise;

HAVE AGREED as follows:

Article 1
Purpose

This Memorandum of Understanding (hereinafter referred to as "Memorandum") defines the terms of mutual cooperation between the ICC and the IACtHR in affording each other assistance by exchanging knowledge, experience and expertise inherent to the conduct of their respective mandates, subject to observance of their respective applicable legal regimes.

Article 2
Definitions

- 2.1 For the purposes of this Memorandum, "IACtHR" shall mean the Presidency, the judges and the Secretariat.
- 2.2 For the purposes of this Memorandum, "ICC" shall mean:
- (a) The Presidency;
 - (b) The Appeals Division, the Trial Division and the Pre-Trial Division;
 - (c) The Office of the Prosecutor; and
 - (d) The Registry.

Article 3
Cooperation and consultation

The ICC and the IACtHR agree that, with a view to facilitating the effective discharge of their respective responsibilities, they shall:

- (a) cooperate closely with each other and consult each other on matters of mutual interest, pursuant to the provisions of this Memorandum, in conformity with their applicable legal framework; and
- (b) maintain contact with each other, including through the exchange of visits, the cooperation in the temporary mobility of personnel, the holding of meetings on matters of common interest, and the establishment of appropriate liaison arrangements as may be necessary to facilitate their effective cooperation.

Article 4
Attendance at meetings and conferences

- 4.1 Subject to the applicable rules and procedures of the IACtHR, the ICC shall have a standing invitation to attend public court hearing of the IACtHR and may be invited to attend public meetings and conferences arranged under the auspices of the IACtHR at which matters of interest to the ICC are under discussion.
- 4.2 Subject to the applicable legal provisions of the ICC, the IACtHR shall have a standing invitation to attend public court hearings of the ICC and may be invited to attend public meetings and conferences arranged under the auspices of the ICC at which matters of interest to the IACtHR are under discussion.

Article 5
Exchange of information and legal materials and temporary mobility of personnel

- 5.1 Without prejudice to their respective confidentiality obligations, the ICC and the IACtHR shall keep each other informed of their public information and outreach activities pertaining to matters of mutual interest, including judgments, orders and other work activities.
- 5.2 The ICC and IACtHR shall arrange for the exchange of other information and legal materials of mutual interest. In particular,
 - (a) The ICC shall, upon request, provide IACtHR with the publications contained in the Official Journal of the ICC;
 - (b) The ICC shall also, upon request and in accordance with the Rome Statute and the ICC legal framework, provide information relating to judgments, orders, and the work of the ICC generally;
 - (c) The IACtHR shall, upon request and in accordance with its applicable rules and procedures, provide the ICC with information relating to judgments, orders and the work of the IACtHR generally.

- 5.3 The ICC and the IACtHR shall cooperate in the temporary mobility of personnel, under the terms and within the limits of their respective applicable legal regimes and budgetary availability, for the purpose of exchange of technical knowledge, experience and expertise in the field of law.
- 5.4 The ICC and the IACtHR shall endeavor to grant requests from each other for the arrangement of videoconference round-table meetings for the purpose of the exchange of knowledge, experience and expertise. The ICC and the IACtHR shall agree on the issues to be discussed during such videoconference round-table meetings and exchange any relevant materials sufficiently in advance.

Article 6

Training

The ICC and the IACtHR shall endeavor, within the limits of their respective mandates, capabilities and resources, to cooperate in developing training and assistance programmes for elected officials, staff members and Counsel and, as appropriate, their team members, in work related to the ICC and IACtHR.

Article 7

Confidentiality

The employees, staff members, officials, representatives, agents, contractors or affiliates of the ICC and the IACtHR participating in any programmes, projects and/or activities pursuant to this Memorandum, are bound by professional secrecy in relation to all confidential matters. Such employees, staff members, officials, representatives, agents, contractors or affiliates of the ICC and the IACtHR shall not, unless specifically authorized, at any time, directly or indirectly use, disclose, furnish or make accessible to any third party confidential information of the other organisation of which they have become aware during the course of their participation in any programmes, projects and/or activities pursuant to this Memorandum.

Article 8

Implementation

- 8.1 The ICC and the IACtHR shall oversee the implementation of this Memorandum, in accordance with their respective competencies.
- 8.2 The ICC and the IACtHR may enter into such arrangements as may be found appropriate for the purpose of implementing this Memorandum.

Article 9

Status of Personnel

The ICC and the IACtHR acknowledge and agree that each organisation is a separate and distinct entity. The employees, staff members, officials, representatives, agents, contractors or affiliates of the organisation carrying out any of the programmes, projects and/or activities pursuant to this

Memorandum shall not be considered in any respect or for any purpose whatsoever to be employees, staff members, officials, representatives, agents, contractors or affiliates of the other organisation.

Article 10
Financial Implications

- 10.1 This Memorandum in and of itself does not create obligations of a financial nature for either the ICC or the IACtHR.
- 10.2 The ICC and the IACtHR agree that the costs and expenses resulting from cooperation or the provision of services pursuant to the Memorandum, if any, shall be subject to separate arrangements between the ICC and the IACtHR.
- 10.3 The raising of resources and their allocation to any activities carried out under this Memorandum are subject to the respective financial rules and regulations of the ICC and the IACtHR.

Article 11
Intellectual property rights

- 11.1 Nothing in this Memorandum shall be construed as granting or implying rights to or interest in the intellectual property rights owned by the ICC and the IACtHR.
- 11.2 The ownership and terms of use of any intellectual property rights related to the materials, in whatever form or shape, developed by the ICC or the IACtHR in relation to any programme, project and/or activity to be carried out under this Memorandum, shall be subject to a separate arrangement to be entered into between both organisations.

Article 12
Use of Name and Emblem

- 12.1 Neither the ICC nor the IACtHR shall use the name or emblem of the other, or any abbreviation thereof, in connection with their operations or otherwise without the prior expressly written approval in each case. In no event an authorization to use the name or emblem may be granted for commercial purposes.
- 12.2 The ICC and the IACtHR mutually acknowledge that they are familiar with each other's independent, international and impartial status, and recognize that their names and emblems may not be used in a manner inconsistent with the status of the ICC or the IACtHR.

Article 13
Privileges and Immunities

Nothing in or relating to this Memorandum shall be deemed a waiver, express or implied, of any of the privileges and immunities of the ICC and the IACtHR.

Article 14
Channel of communication

Unless otherwise designated, and without prejudice to the Office of the Prosecutor mentioned in Article 2.2, the Registrar of the ICC and the Secretary of the IACtHR shall be the channels of communication between the two organisations for the forms of cooperation specified in this Memorandum.

Article 15
Amendment and termination

- 15.1 This Memorandum may be amended with the mutual consent of the ICC and the IACtHR, upon approval by the President of the ICC and the President of the IACtHR.
- 15.2 This Memorandum may be terminated by either the ICC or the IACtHR on ninety (90) day's written notice to the other.
- 15.3 Notwithstanding paragraph 2 of this article, the provisions of this Memorandum shall survive any termination to the extent necessary to permit the orderly conclusion of activities then in progress within the framework of this Memorandum. To this end, the ICC and the IACtHR shall take the necessary steps to ensure that termination does not prejudice ongoing activities and is not detrimental to the interests, financial or otherwise, of each other.
- 15.4 Any dispute about the interpretation or application of this Memorandum shall be resolved by consultations between the ICC and the IACtHR.

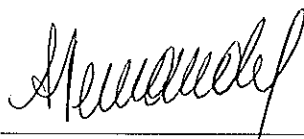
Article 16
Entry into force

This Memorandum shall become effective on the date of its signature by both the President of the ICC and the President of the IACtHR, or their duly authorized representatives.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed the Memorandum.

Signed in duplicate, in San José.

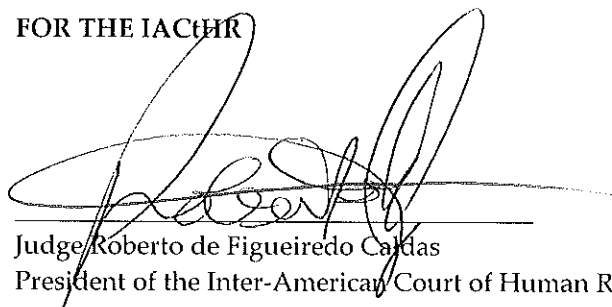
FOR THE ICC



Judge Silvia Fernández de Gurmendi
President of the International Criminal Court

Date: 15 February 2016

FOR THE IACtHR



Judge Roberto de Figueiredo Caldas
President of the Inter-American Court of Human Rights

Date: 15 February 2016