



**FRAMEWORK AGREEMENT BETWEEN THE ARGENTINE
REPUBLIC AND THE INTERNATIONAL CRIMINAL
COURT ON INTERIM RELEASE**

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**FRAMEWORK AGREEMENT BETWEEN THE ARGENTINE REPUBLIC AND THE
INTERNATIONAL CRIMINAL COURT ON INTERIM RELEASE**

The Argentine Republic and the International Criminal Court ("Court"),

PREAMBLE

NOTING article 60 and article 61(11) of the Rome Statute of the International Criminal Court ("Rome Statute"), according to which a Chamber of the Court can grant interim release, with or without conditions, to a person subject to a warrant of arrest or who has already being arrested if it considers that the conditions set forth in article 58(1) of the Rome Statute are not met;

IN ORDER to establish a framework agreement for the acceptance of persons granted interim release by the Court and to set out the general conditions under which people shall be released in the territory of the Argentine Republic ("Agreement");

HAVE AGREED as follows:

Article 1
Terminology

1. "Interim Release" is understood to refer to the temporary release into the territory of the Argentine Republic of a person detained by the Court under the conditions, if any, established by the relevant Chamber.
2. "Person" is understood as a person benefiting from Interim Release.

Article 2
Purposes of this Agreement

The Argentine Republic hereby indicates to the Registrar of the Court ("Registrar") its willingness to accept person(s) granted Interim Release by a Chamber, subject to any conditions attached by the Argentine Republic and agreed upon with the Registrar.

Article 3
Representatives of the Parties

1. The Registrar or his/her authorised designate shall represent the Court in all matters relating to this Agreement.
2. A representative to be chosen by the Argentine Republic and communicated to the Court shall represent the Argentine Republic in all matters relating to this Agreement.

Article 4
Procedure for acceptance of the person(s) granted Interim Release into the territory of the Argentine Republic

1. For the purposes of the interim release, observations shall be sought from the Argentine Republic in accordance with regulation 51 of the Regulations of the Court.

2. Once the above-mentioned consultations have been completed, the Registrar shall request that the Argentine Republic accept the Person on its territory. Such request ("Request") shall be considered on a case by case basis by the Argentine Republic.

3. Requests shall be in writing and shall be addressed to the Argentine Republic by the Registrar as soon as possible after the decision granting interim release has been issued.

4. Requests shall refer to the Person by his or her full personal name. Requests shall be accompanied by details on the charges against the Person, the conditions of his or her release where applicable and any other information which the Registrar considers relevant. A copy of the decision granting the interim release shall be joined. The Registrar will provide any further information as the Argentine Republic may request, subject to the Registrar having access to such information and there being no legal impediment to communicating it to the Argentine Republic.

5. When the Argentine Republic accepts a Person on its territory, the specific measures and conditions agreed upon by the Parties may in no case be modified unilaterally by the Argentine Republic.

Article 5

Conditions of acceptance of a Person in the territory of the Argentine Republic pursuant to this Agreement

1. Where the Argentine Republic agrees to a Request, the Registrar, in consultation with the competent national authorities of the Argentine Republic, shall arrange for the transfer of the Person to the territory of the Argentine Republic.

2. During his/her stay in the territory of the Argentine Republic on Interim Release, the Person shall be subject to the laws of the Argentine Republic and shall fully comply with the conditions imposed on him or her for his or her release. Any violation of the laws of the Argentine Republic and/or of the conditions imposed for the release shall immediately be reported to the Court. The competent authorities of the Argentine Republic may, in consultation with the Registrar, take such interim measures as they deem appropriate and as are compliant with applicable national laws and the Rome Statute, with particular reference to articles 55, 66 and 67, to prevent continued violation and to ensure the Person's appearance before the Court. Violations of the laws of the Argentine Republic and conditions imposed for the release could result in the immediate revocation of the Interim Release and transfer of the Person into the custody of the Court.

3. In order to ensure compliance with its order and conditions imposed, the Court may, *inter alia*:

- a) when necessary, request any information, report or updates from the competent authorities of the Argentine Republic regarding the observance of the conditions by the Person;
- b) where appropriate, instruct the Registry to visit the Person;
- c) where appropriate, periodically consult with the competent authorities of the Argentine Republic;
- d) take any measure it deems appropriate.

4. If, after delivery of the Person to the territory of the Argentine Republic, an order is issued, in accordance with the Rome Statute and the Rules of Procedure and Evidence, for the appearance of the Person for a hearing, the Registrar shall arrange for the temporary transfer of the Person to the Court in consultation with the competent authorities of the Argentine Republic.

Article 6

Status of Person(s) under Interim Release

1. The Argentine Republic shall grant the Person under Interim Release such status as it deems appropriate under its national laws. Subject to any appropriate arrangements established by the competent authorities of the Argentine Republic and the Registrar for the exercise by the Person of his or her right of communication with the Court, communication between the Person and the Court shall be unimpeded and confidential.
2. During his/her stay in the territory of the Argentine Republic, the Person shall not be tried before the courts of the Argentine Republic with respect to the conduct which forms the basis of crimes for which the Person is accused by the Court.
3. During his/her stay in the territory of the Argentine Republic, the Person shall not be tried before the courts of the Argentine Republic or extradited to a third State for any conduct engaged in prior to that Person's transfer to the territory of the Argentine Republic unless specifically authorised by the Court in accordance with article 101 of the Rome Statute and rules 196 and 197 of the Rules of Procedure and Evidence.
4. Communications between the Person and any defence counsel appointed or assigned by the Court and members of the Person's defence team shall similarly be unimpeded and confidential, with full respect for the privileged nature of such communications. To facilitate this, the Argentine Republic undertakes to expeditiously issue visas to defence counsel and members of the Person's defence team who are entering the Argentine Republic for the purpose of visiting the Person.
5. The Person shall have the right to receive at least three visits per year from his or her nuclear family members. This assistance will include expeditiously issuing visas to these family members visiting the Person.

Article 7

Costs related to the provision of Interim Release

1. The Court shall bear all costs and expenses incurred in connection with the travel of the Person between the Argentine Republic and the Court.
2. When the Person has been declared indigent, all the costs and expenses incurred in connection with the provision of Interim Release pursuant to this Agreement shall be agreed on a case by case basis with the Argentine Republic. When the Person is not indigent for the purpose of Interim Release, all the costs and expenses incurred in connection with the provision of Interim Release pursuant to this Agreement shall be borne by the Person.

Article 8

Termination of Interim Release

1. Interim Release under this Agreement shall be terminated:
 - a) upon the expiration of the period for which the interim release had been granted;
 - b) upon the death of the Person;

c) following a decision of the Court including if the Person is ordered to return to the custody of the ICC;

d) upon decision of the State after consultation with the Court.

2. Following the termination of the Interim Release the competent authorities of the Argentine Republic, in consultation with the Registrar, shall arrange for the return of the Person to the custody of the Court.

3. Where the Argentine Republic or the Court wishes to terminate Interim Release of a Person, it ("Terminating Party") shall inform the other Party of its intention and consult with it in writing. The Terminating Party shall then notify, also in writing, the Person as soon as is practicable of the termination.

4. In the event that Interim Release is terminated in accordance with paragraph 1(d) of this article, the Registrar shall have a period of two months in which to obtain the agreement of another State to assume the responsibilities of the Argentine Republic under the provisions of this Agreement. If the Registrar is unable to conclude such an agreement within that period, the person shall be transferred back to the custody of the Court.

Article 9

Duration of the provisions of this Agreement

1. This Agreement shall enter into force immediately upon its signature by both Parties to this Agreement.

2. This Agreement shall remain in force until it is terminated by either Party in accordance with article 8 of this Agreement.

Article 10

Resolution of disputes

Any dispute, controversy or claim arising out of, or relating to, this Agreement shall be settled by consultations between the Parties.

IN WITNESS WHEREOF, the undersigned, duly authorised thereto, have signed this Agreement.

Done in duplicate at The Hague, The Netherlands this 28 day of February 2018 in the English and Spanish languages, the English version being authoritative.

FOR THE ARGENTINE REPUBLIC



Héctor Horacio Salvador
Ambassador Extraordinary and Plenipotentiary
of the Argentine Republic to the Kingdom of
The Netherlands

FOR THE COURT



Herman von Hebel
Registrar, International Criminal Court