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**Argentina
and
International Criminal Court**

Framework Agreement between the Argentine Republic and the International Criminal Court on the release of persons. The Hague, 28 February 2018

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**Argentine
et
Cour pénale internationale**

Accord-cadre entre la République argentine et la Cour pénale internationale relatif à la mise en liberté des personnes. La Haye, 28 février 2018

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[ENGLISH TEXT – TEXTE ANGLAIS]

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

The Argentine Republic and the International Criminal Court (“Court”),

PREAMBLE

NOTING rule 185, paragraph 1, of the Rules of Procedure and Evidence adopted pursuant to article 51 of the Rome Statute of the International Criminal Court (“Rome Statute”), according to which “where a person surrendered to the Court is released from the custody of the Court because the Court does not have jurisdiction, the case is inadmissible under article 17, paragraph 1(b), (c) or (d), the charges have not been confirmed under article 61, the person has been acquitted at trial or on appeal, or for any other reason, the Court shall, as soon as possible, make such arrangements as it considers appropriate for the transfer of the person, taking into account the views of the person, to a State which is obliged to receive him or her, to another State which agrees to receive him or her, or to a State which has requested his or her extradition with the consent of the original surrendering State”;

IN ORDER to establish a framework agreement for the acceptance of persons released 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

Purpose and scope of the Framework Agreement

1. The present Agreement provides the general conditions for the release of persons on the territory of the Argentine Republic.
2. The actual release of a given released person on the territory of the Argentine Republic shall be made pursuant to a specific agreement, setting up the specific conditions of the release (“Release Agreement”).
3. Unless provided otherwise in the Release Agreement, the general conditions provided in the present Agreement shall apply to the release of persons on the territory of the Argentine Republic.

Article 2

Procedure

1. Where one of the conditions provided under rule 185(1) of the Rules of Procedure and Evidence for the release of a person is met, the Registry of the International Criminal Court (“Registry”), after hearing the released person, shall consult with the authorities of the Argentine Republic to determine whether they are prepared to accept the released person on their territory.
2. Together with its request, the Registry shall provide to the Argentine Republic a copy of the decision releasing the person and information regarding the stage of the proceedings.
3. The Argentine Republic shall reply within 30 days of the receipt of the request.
4. The present article does not prevent the Registry from proactively consulting with the Argentine Republic on its possible agreement to have the person released on the territory of the Argentine Republic, should one of the conditions referred to in paragraph 1 materialize. In such case, the copy of

the decision referred to in paragraph 2 shall be transmitted at a later stage, upon its issuance by the Court.

Article 3

Transfer

1. The Registry, in consultation with the competent national authorities of the Argentine Republic, shall make appropriate arrangements for the proper conduct of the transfer of the released person from the Court to the territory of the Argentine Republic. These arrangements include, where applicable, addressing requests for the lifting of travel ban to the competent authorities in a timely manner.

2. If, after the delivery of the released person to the territory of the Argentine Republic, the Court in accordance with the Rome Statute and Rules of Procedure and Evidence, orders that the released person appear for a hearing before the Court, the authorities of the Argentine Republic shall endeavour to make all appropriate arrangements, including, where applicable, timely requests for the lifting of travel ban, to facilitate the person's transfer to the Court for the time necessary for the appearance and the person's return upon completion thereof.

Article 4

Conditions of release

1. The conditions of release set by the Court pursuant to rule 119 of the Rules of Procedure and Evidence are mandatory. They shall prevail over this Agreement and the Release Agreement concluded under article 1(2) above.

2. Once the Court has entered into a Release Agreement with the Argentine Republic for the release of a person on its territory, the Court shall seek the views of the Argentine Republic prior to amending or revoking any conditions of release. Should the Argentine Republic find that it would not be in a position to implement the new conditions of release contemplated by the Court, it should notify the Court accordingly and specify whether it would consider the contemplated new conditions of release a cause of termination of the Release Agreement. In such a case, should the Court nevertheless decide to order the contemplated new conditions of release, the Release Agreement shall be terminated immediately.

Article 5

Rights and obligations of the released person

1. The person shall undertake to respect the laws of the Argentine Republic.

2. The released person shall, as a minimum, have the right to receive at least three visits per year from his or her nuclear family members. The list of members of the person's nuclear family shall be specified in the Release Agreement and shall be modified in case of birth, adoption, marriage, divorce or death. The relevant authorities of the Argentine Republic shall facilitate these family visits. This assistance shall include expeditiously issuing visas to these family members visiting the released person. Besides, the Argentine Republic applies its national legislation governing the right to family reunification to the released person.

Article 6
Support and assistance to the released person

The Argentine Republic agrees to provide the released person with the following facilities:

- a) Housing;
- b) Education, including skills and language training, where necessary, for purposes of gaining employment;
- c) Health and social services, including specialist medical care where necessary;
- d) Access to opportunities to obtain employment;
- e) Documents to enable travel to and from the Argentine Republic; and
- f) Any other applicable facilities and benefits without prejudice to any rights which the person would be entitled to under the laws of the Argentine Republic.

Article 7
Communications

1. Communications between a released person and the Court shall be unimpeded and confidential. These shall be considered official communications under article 11 of the Agreement on the Privileges and Immunities of the Court.

2. Paragraph 1 of the present article also applies to communications between the released person and his/her Counsel appointed or assigned by the Court and members of the person's defence team, as identified in the Release Agreement. The Court updates the Argentine Republic of any changes in the released person's defence team.

Article 8
Ne bis in idem

The released person shall not be tried with respect to crimes for which that person has already been convicted or acquitted by the Court.

Article 9
Rule of speciality

1. The rule of speciality provided under article 101 of the Rome Statute continues to apply to persons released under this Agreement. Persons released cannot be proceeded against, punished, extradited or detained for any conduct committed prior to the person's surrender to the Court, other than the conduct or course of conduct which forms the basis of the crimes for which that person has been surrendered.

2. The State of the Argentine Republic or any third State wishing to have the released person extradited on its territory may request an exception to the rule of speciality, as referred to in paragraph 1 above. In such a case, the procedure of waiver provided under article 101(2) of the Rome Statute shall apply and the Court shall inform the requesting State(s) accordingly.

Article 10

Costs

1. The ordinary costs for the release in the territory of the Argentine Republic shall be borne by the authorities of the Argentine Republic.
2. Other costs identified under article 100(1) of the Rome Statute, shall be borne by the Court.

Article 11

General cooperation

1. The competent national authorities of the Argentine Republic shall take all necessary measures to ensure the efficient execution of this Agreement and to ensure the appropriate security, safety and protection of the released persons. Such measures encompass the requisite amendments to the national legislation and/or administrative framework of the State of the Argentine Republic which are necessary for the implementation of the present Agreement and the conclusion of Release Agreements.
2. The Court and the Argentine Republic shall designate a focal point for the implementation of this Agreement. Unless specified otherwise, the same focal point shall be designated for the implementation of any subsequent Release Agreement.

Article 12

Entry into force

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

Article 13

Amendments

This Agreement may be amended, after consultation, by mutual consent of both Parties.

Article 14

Resolution of disputes

The Court and the State of the Argentine Republic endeavour to consult with each other on any differences that may arise with respect to the interpretation or application of this Agreement.

Article 15

Termination of the Agreement

1. Either party may, after consultation, terminate this Agreement with two months prior written notice.
2. Termination of this Agreement shall have no impact on the continued application of any Release Agreement entered pursuant to article 1(2) above. Articles 4 to 10 above shall continue to apply in relation to such Release Agreements.