



MEMORANDUM OF UNDERSTANDING ON COOPERATION

between
the General Secretariat of the Organization of American States through the Executive Secretariat of the Inter-American Commission on Human Rights
and
the Office of the Prosecutor of the International Criminal Court

Bearing in mind that the principal function of the Inter-American Commission on Human Rights is to promote the observance and the defence of human rights in the Americas and that the victims of human rights violations have a right to justice that implies the elimination of impunity;

Bearing in mind that the Office of the Prosecutor of the International Criminal Court is responsible for receiving referrals and information on crimes within the jurisdiction of the Court, for examining them and for conducting investigations and prosecutions before the Court;

Considering that the International Criminal Court was established by the Rome Statute to help eradicate impunity for perpetrators of the most serious crimes of concern to the international community;

Noting the important role assigned to the International Criminal Court in dealing with the most serious crimes of concern to the international community as a whole, as referred to in the Rome Statute, and which threaten the peace, security and well-being of the world;

Noting the important role of the Inter-American Commission on Human Rights in the protection of persons from all parts of the Americas and its knowledge of the human rights situations in the region;

Noting that article 54(3)(d) of the Rome Statute provides that the Prosecutor may enter into such arrangements or agreements, not inconsistent with this Statute, as may be necessary to facilitate the cooperation of a State, intergovernmental organization or person;

Desiring to make provision for a mutually beneficial relationship whereby the discharge of respective responsibilities of the General Secretariat of the Organization of American States through the Executive Secretariat of the Inter-American Commission on Human Rights (ES/IACHR) and Office of the Prosecutor of the International Criminal Court may be facilitated; and

Taking into account for this purpose the provisions of the Statute of the Inter-American Commission on Human Rights and the provisions of the Rome Statute of the International Criminal Court,

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Have agreed as follows

SCOPE OF COOPERATION

1. In accordance with the provisions of the present Memorandum of Understanding (the "Memorandum"), the Participating Parties shall wherever possible afford each other assistance in the conduct of their respective mandates, subject to observance of each Party's provisions, regulations and policies.

2. Mutual cooperation shall include the provision of:

- a) Information on decisions, resolutions, judgments, reports and documents; and
- b) Cooperation with regard to information, reports and documents in the hands of third parties, of which the Participating Parties have knowledge but which are not in their possession.

COMMUNICATIONS

3. The Participating Parties shall channel all communications under this Memorandum through their respective authorities and designated focal points, which will be nominated and communicated by each Party.

FORM AND CONTENT OF REQUESTS FOR ASSISTANCE

4. Requests for assistance shall be submitted in writing. In urgent cases a request may be submitted verbally but must be confirmed in writing within forty-eight hours, unless the Requested Party agrees otherwise.

5. In all cases, requests shall indicate:

- a) A concise description of the purpose and the context of the request;
- b) A description of the type of information or other assistance requested;
- c) The timeframe within which the request must be executed; and
- d) Any other information relevant to the execution of the request that may be required by the Requested Party.

6. Requests shall be submitted in one of the working languages of the Requested Party.

EXECUTION OF REQUESTS

7. Subject to observance of each Party's provisions, regulations and policies, the Participating Parties shall execute requests promptly.

8. The Requested Party may deny or postpone the execution of all or part of a request insofar as the execution of all or part of the request should:

- a) Be contrary to its rules, regulations or policies;



- b) Infringe any restriction on use in agreements signed by the Requested Party; and
- c) Jeopardize any person's security.

9. Before denying or postponing the execution of a request, the Requested Party shall consider and consult with the Requesting Party whether the assistance can be provided subject to specific conditions or in an alternative manner.

10. The Requested Party shall notify the Requesting Party in writing of the reason for denial or postponement within thirty days of receipt of the request.

INFORMATION, DOCUMENTS AND RECORDS

11. The Requested Party shall provide copies of public information, reports and documents in its possession upon request and/or when appropriate.

12. The Requested Party may provide information, reports or documents in its possession which are not otherwise available to the public, in accordance with and subject to the conditions permitted by its rules, regulations and policies.

13. Where original documents are handed over, these shall be returned by the Requesting Party whenever solicited by the Requested Party or as soon as possible thereafter.

RESTRICTIONS ON USE

14. The Requested Party shall keep confidential the request for assistance and its supporting documents, except to the extent that disclosure is necessary for the execution of the request and shall not make use of this information for its own purposes without the prior written consent of the Requesting Party.

15. The Requesting Party shall ensure the confidentiality of the information, reports or documents provided by the Requested Party in execution of the request and shall not use them for any other purposes than those described in the request without the prior written consent of the Requested Party. The Requesting Party may only disclose the information, reports or documents provided by the Requested Party as necessary to carry out the purpose described in the request.

CONSULTATIONS AND SETTLEMENTS

16. The Participating Parties shall meet periodically at the request of either Party to exchange information of mutual interest and consult on questions concerning the interpretation, implementation or application of this Memorandum, whether in relation to general matters or to a specific request.

17. Any difficulty arising from this Memorandum shall be resolved between the Participating Parties through consultation and negotiation.

FINAL CLAUSES, ENTRY INTO FORCE AND TERMINATION



18. The Participating Parties mutually recognize the privileges and immunities they enjoy by virtue of the relevant agreements and laws on the subject and general principles of international law.

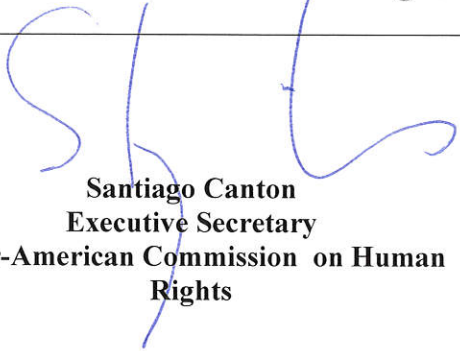
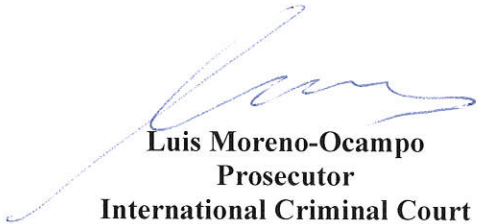
19. This Memorandum shall enter into force upon signature of both Participating Parties.

20. This Memorandum may be amended by mutual consent of the Participating Parties in writing.

21. This Memorandum may be terminated by either of the Participating Parties on six month's written notice to the other Party.

22. The above Memorandum constitutes all that is agreed by the Participating Parties.

Signed in duplicate on the 25th day of April 2012.

For the Executive Secretariat of the Inter-American Commission on Human Rights	For the Office of the Prosecutor of the International Criminal Court
 Santiago Canton Executive Secretary Inter-American Commission on Human Rights	 Luis Moreno-Ocampo Prosecutor International Criminal Court