



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

Le Président
The President

Judge Sang-Hyun Song
President of the International Criminal Court

REMARKS FOR INTERNATIONAL JUSTICE DAY EVENT

***THE UNITED NATIONS AND INTERNATIONAL CRIMINAL COURT
PARTNERS OF SHARED VALUES***

***MARKING THE TENTH ANNIVERSARY OF THE RELATIONSHIP
AGREEMENT (2004-2014)***

New York
17 July 2014

Your Excellency, Secretary-General of the United Nations,

Your Excellency, Ambassador Sebastiano Cardi,

Your Excellency, Ambassador Tiina Intelmann, President of the Assembly of States Parties to the Rome Statute

Your Excellency, Under Secretary-General for Legal Affairs

Excellencies, Ladies and Gentlemen:

I would like to thank Italy for convening this timely event to celebrate the Day of International Criminal Justice and to mark the tenth anniversary of the Relationship Agreement between the United Nations and the International Criminal Court.

There is no doubt that the UN and the ICC share the same core values. Both organisations are fundamentally based on the ideals of peace, security and respect for human rights, and the realisation that these goals can only be attained through the rule of law and international cooperation.

The paths of the UN and the ICC have been long intertwined. The project of a permanent international criminal court was launched by the UN in 1948, it was revived in the General Assembly in 1989, and the ICC's Statute was negotiated and adopted under the auspices of the United Nations.

And even after the ICC's birth as an independent organisation, the Secretary-General continues to act as the depositary of the Rome Statute of the ICC.

Article 2 of the Rome Statute expressly required that the ICC be "brought into relationship with the United Nations through an agreement to be approved by the Assembly of States Parties".

The Relationship Agreement, concluded in October 2004, provides the legal basis for the multifaceted collaboration that exists between the ICC and the United Nations.

In particular, article 3 of the Agreement provides that "[t]he United Nations and the Court [...] *shall cooperate closely, whenever appropriate...*" – in other words, cooperation and coordination are not merely an option, but in fact a requirement.

In practice, we cooperate in areas such as exchange of information, logistical support in the field, safety and security and loans of staff.

I would like to stress that in accordance with Article 10 of the Relationship Agreement, the assistance of the UN to the ICC takes place on a reimbursable basis – in other words, the Court pays for the services that it receives from the UN. Nevertheless, the UN's assistance often allows for significant savings, because it means that the ICC does not need to create parallel, standalone structures.

The assistance of the United Nations is particularly important for the ICC in the context of **field operations**.

In many on-going conflict situations where the ICC is investigating, the UN may have unique access to a particular territory through field missions, peacekeeping operations, and commissions of inquiry.

In many countries, UN services such as air transportation, security advice and protection are vital for the staff of the ICC to be able to operate in the field.

Peacekeeping missions can assist national authorities with the arrest and surrender of ICC suspects – and this should be kept in mind when defining mission mandates.

United Nations Commissions of Inquiry can provide a valuable source of information on alleged crimes – which may for instance assist the Prosecutor's determination whether there is a reasonable basis to open an investigation.

The Relationship Agreement also provides for the possibility of UN officials testifying before the ICC, when necessary.

Finally, I should mention that the Trust Fund for Victims associated with the ICC works closely with different United Nations agencies, for example in the capacity building of local partners that provide assistance to victims.

Through these various forms of cooperation, the United Nations are in a very important way helping the ICC pursue our joint goal of accountability for the gravest crimes.

For the formal communication of many of the requests we make to the UN we rely on the Court's Liaison Office here in New York, with a modest staff of two persons.

Despite its small size, the Liaison Office plays a critical role, for instance as the Court's representation for many thematic discussions that take place at the United Nations.

Looking beyond the immediate needs of the ICC as such, there are also significant synergies between the UN and the broader Rome Statute system in strengthening the domestic capacity of States to address core international crimes.

In this regard, I greatly appreciate the efforts of the UN's Rule of Law Group, the UNDP, the UNODC and other agencies. The United Nations is uniquely placed to assist the capacity building of national jurisdictions, which form the very foundation of the rule of law around the world.

Excellencies, ladies and gentlemen,

As you are aware, the Rome Statute foresees the possibility of the UN Security Council exercising very specific powers vis-à-vis the ICC.

On the one hand, the Statute gives the Council the power to refer situations to the ICC's Prosecutor, and on the other hand, to defer – that is, temporarily halt – specific investigations or prosecutions.

The referral mechanism is particularly significant in that it can create new jurisdiction for the ICC, if grave crimes occur on the territory of a State not party to the Rome Statute, which means that the situation would ordinarily fall outside the ICC's competence.

The relationship between the Security Council – a political organ – and the ICC – a judicial body – is not a simple one, and further thinking is required to ensure effective implementation of the Council's referral resolutions.

In this respect, I am glad to note increased attention to ICC issues on the Council's agenda, as demonstrated by the debate convened in October 2012 by Guatemala, and reference to ICC in many recent resolutions.

Excellencies, Ladies and Gentlemen,

The world is abound with multilateral organisations, but the United Nations remains unique among them as the primary venue for international cooperation.

It was under the auspices of the United Nations that the nations of the world – united for peace – created the ICC, in pursuit of justice and the prevention of the most serious crimes.

And just like peace and justice go hand in hand, so must the UN and the ICC. Our partnership is indispensable for a strong international community and the protection of the interests of humanity as a whole.

Throughout my term as President of the ICC, it has been one of my priorities to nurture this important relationship, and I am proud of the effective cooperation that the UN and the ICC enjoy today in a wide range of areas, while respecting the independence of each organisation.

On behalf of the ICC, I would like to extend my deep sense of gratitude to Secretary-General Ban Ki-moon for the strong support of the United Nations, as well as for his personal commitment to the deepening of the UN-ICC relationship.

At the heart of that relationship is the principle of the rule of law. Without the rule of law, there cannot be justice, there cannot be sustainable peace, and there cannot be universal respect for human rights.

As we celebrate the 17th of July, these shared values and goals should remain in the centre of our attention.

Thank you.