



INTERVENTION ON COOPERATION BY

HON. NORBERT MAO

**MINISTER OF JUSTICE AND
CONSTITUTIONAL AFFAIRS**

THE GOVERNMENT OF THE REPUBLIC OF UGANDA

**TWENTY- THIRD SESSION OF THE ASSEMBLY OF
STATES PARTIES TO THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

**PLENARY SESSION ON COOPERATION
From 3-5 p.m.**

5TH DECEMBER 2024

Heads of Delegations and Representatives of States Parties;

Officers of the International Criminal Court,

Distinguished ladies and gentlemen

I am grateful to the Ambassadors of France and Senegal who are the Facilitators for the Working Group on Cooperation and their delegations for the opportunity to share reflections on Uganda's experience on cooperation.

Judge Antonio Cassese, the first President of the International Criminal Tribunal for the former Yugoslavia, once described The ICTY as existing "very much like a giant without arms and legs - it needs artificial limbs to walk and work".

Let us all take a moment and try and visualise an encounter with a giant but with no limbs! It would be a giant that is not a force to reckon with. It would not be intimidating, challenging or anything.

He went on to state that “ If the cooperation of States is not forthcoming, the ICTY cannot fulfil its functions. It has no means at its disposal to force states to cooperate with it (emphasis added)¹.

This is what the Court is like without cooperation. It is huge in name, intimidating, frightening for perpetrators of international crimes under its jurisdiction but without the assistance of artificial limbs, it cannot function.

The first step to making cooperation meaningful is establishing a framework. Uganda was among the first countries to enter into a cooperation agreement with the Court. Cooperation agreements should address all aspects of the Court’s activities under the Rome Statute, including but not limited to protection of victims and witnesses, enforcement of sentences and interim release and release of persons.

¹ ICTY President’s Annual Report to the Security Council 1997.

I would like to reflect on two aspects of cooperation namely;

- (i) The first aspect is behind the scenes operations. We have made covert arrangements to facilitate the travel of key witnesses in many situations before the Court. The nature of most cooperation takes the form of “confidential negotiations”. This includes; cooperation in regard to conducting of confidential investigations, witness support and protection; such as relocation, provision of safe houses, provisional detention, protection of evidence to mention but a few.

Uganda is hosting the highest number of refugees in Africa and is the third-highest host of refugees in the world.

Uganda is home to many persons of interest in several situations before the Court. We pride ourselves in being one of the Court’s most cooperating States Parties.

Our cooperation goes beyond our obligations in the Statute and we operate on the principle, that if we can assist, we do it.

Our cooperation with the Trust Fund for Victims (TFV), outreach programmes, enabled the implementation of the TFV's secondary mandate, which in turn facilitated the outreach to affected communities in Northern Uganda.

We also cooperate by creating a conducive environment in which Civil Society, national and international non-governmental organisations can operate unhindered. Civil society plays an important role in the work of the Court. Accordingly when Civil Society seeks to engage on our territory, they do it in an ordinary manner and refrain from treating the government as their "enemy". A lot of your work will be made easier if you work with the government since we are all partners in defeating impunity.

(ii) The second aspect of cooperation is the Public Forms of Cooperation. This in most cases may take the form of Court Orders, the most common one being arrest warrants.

As there is a live matter on this aspect of cooperation, my remarks will be limited. I would like to suggest that beyond the established mechanisms in place to address non-cooperation for failure to effect arrest warrants, there is a need for dialogue. Let's examine the circumstances and context of each situation when it arises.

In conclusion, no form of cooperation is too small. None is more important than the other. We don't wait until we have more than enough to do something. When duty calls, we will be there on time.

I thank you for listening.