

Thank you very much Madam President, Mr Président, Mr Prosecutor,

Excellencies,

Ladies and Gentlemen,

First of all, can I express my deep thanks to the Ambassador Momar Gueye (Senegal) and Ambassador Louis Vassy (France) for their continuing commitment to insure the issue of cooperation remains on everyone agenda. Those who have worked with you, like myself for the last three years, realized just how much effort has been required for any progress we managed to make with. All of us in the Court are very grateful.

I also want to express my thanks to all the States who cooperate and help us every day. We have an enormous amount of request for cooperation and I am delighted to report we have a very strong commitment from you. Particularly, I want to thank those States who have signed voluntary cooperation agreements with us including of course recently France and North Macedonia. Each one of these agreements is a precious gift to the Court.

However, the simply issue is we do not have enough of these agreements. In some areas of the world, and in respect with some sorts of cooperation, I am afraid we have little or no agreements in place.

I want to use the example of witness protection to illustrate both some of the success in the cooperation we have already secured but also the challenges ahead. If you follow the live streaming of our cases, it will be obvious to you that we rely on witness testimony. Behind each of the witnesses you see, when you

tune into the Court channel, there is a support program for that witness and usually for his family too. That support program is to insure their safe where they are, their protected if necessary and we are able to get them from where they are to a place where they can give evidence.

Now in most cases, that support can be given in the country in which the person operates, where they live. We do not wish to move people away from their families and communities unless it's absolutely essential. And the witnesses don't want to leave their homes either. But in a small but crucial member of cases, about 20 to 30 cases a year, we have to relocate individuals. Now, when we need to relocate them, we rely on the network of States who have signed voluntary cooperation agreements with us. With North Macedonia, we now have 23 such States.

As I mentioned, we haven't got enough and I want to give you an example to illustrate the problem. In this year 2021, we have only been able to place 5 witnesses and their families in protection. For the remaining 16 witnesses and their families we have had to resort to short term ad hoc measures to find safe refugees for them while we tried to secure a place for them to be relocated.

Now, on a very simple practical term, it is a very expensive exercise for the Court to find short notice places in which we will be able to keep our witnesses safe for a short period of time. It needs an enormous amount of time and effort and of course we have to move them discretely too.

But, more importantly, the people we are moving are usually traumatized people and if they're not they just gone through a life changing experience when they realize they had to be relocated.

What they need is to find a secure place to re-establish a life as soon as they can. We can't do that because we simply haven't got enough agreements in place to make this a smooth process.

Most of these witnesses can be adequately protected by simply moving them away from the place they are in danger. Most of the people we need to relocate do not have special needs. They just have the same needs that we all have as individuals: a place to live, a place for our children to go to school, some access to medical facilities and some modest financial support while they find jobs and establish a new life.

So, in many cases, all we need is for you to be able to receive these people into your refugee program. Now, there are some cases where the people do have special needs: they are very vulnerable, they may be traumatized by what they have done as well as what they have experienced. We are lucky, we are very fortunate in this Court that we have a number of relocation agreements with States who are experts in this field and who are willing to help us with these difficult cases. But we need more of you.

Now, I just want to emphasize some points about these agreements. This is in respect with witness protection. The first if, these agreements are flexible. We don't expect every State to be able to offer all forms of protection that we might need. The ability to give somebody a home and nothing more is something that is very precious to us. Secondly, as the President of the Court has mentioned, this agreement is a double consent arrangement. The State always retains the decision making power to accept or reject a specific individual. When I am looking around this room, there are many of the States who want to personally assess the witnesses and victims concerned to insure that they can manage the risk and look after them properly.

It is also an entirely discrete process. We will not tell anyone that we have asked a State who signed an agreement to take a particular witness. We will certainly never tell anyone what your decision is and we will never reveal that the witness is on your territory. I know for political reasons, discretion is important as well as operational reasons. Indeed, we will not publicise that you have such an agreement with us unless you want to. And some States do not want to, we understand that.

Finally, a fund is available to pay for the cost of relocation of witnesses. Due to your generosity, that fund is full at the moment. We have no problems in finding the money for you.

Now I have used the example of witness protection to illustrate the problem. But we also need cooperation agreements on issue of final release where we only have one agreement at the moment, and interim release where we only have 2 agreements. We are enormously grateful to the States who have signed those agreements but frankly we need more of them.

Finally, I want to emphasize a point that the Prosecutor has made. We all aspire for this Court to be a universal institution but we will only have such an institution if we have universal cooperation to match the membership of the Rome Statute system.

Thank you very much Ambassadors.