

Ambassador Wenaweser, President Song, Colleagues,

Excellencies,

Ladies and Gentlemen,

I would like to thank the Ambassador Koterec for his invitation to be a part of this panel discussion today.

As the Secretary-General recalled earlier, the Review Conference in Kampala will be a milestone in the history of international criminal justice. At this historic moment, the United Nations will once again be by the Court's side, ready to support it to the full extent of its capacities. This is the reason why the Secretary-General will travel to Kampala in May to open the Review Conference as its Convenor. At the same time, he has made several senior officials of the Organization available to actively participate in the ensuing discussions as members of the panels which are being organized as part of the stock-taking exercise. In doing so, the United Nations hopes to share its rich experience in the field of international criminal justice with other stakeholders and to contribute to their efforts to strengthen the Court. I will have the honour to take part in the panel which will be dealing with the issue of cooperation.

Today, I would like to focus on the issue of the United Nations' support to the Court.

The Court is an independent international organization. Nevertheless, to discharge its mandate efficiently, it relies on the cooperation with States, both Parties and non-Parties to the Rome Statute, as well as with International Organizations and NGOs. As has been said "the Court is independent but is also interdependent".

As we know, the primary responsibility to provide the Court with the cooperation it needs to discharge its mandate lies with the States. The United Nations as well as other international organizations and NGOs are limited in

their capacities and are but a secondary source of cooperation on which the Court can count.

The United Nations, and, in particular, my Office, was a major advocate of the establishment of a permanent international criminal court and we played a significant role in the creation of the ICC. Since that day, our Organization has continuously voiced and provided its support for the Court and has encouraged all nations to become a party to the Rome Statute.

Parallel to the support expressed at the institutional level, the United Nations has, over the years, developed a partnership with the Court that allows it to provide, on a reimbursable basis, some of the legal assistance and logistical and administrative services which the ICC requires for its work. The UN-ICC Relationship Agreement of 2004 is the framework which provides the basis for this cooperation, while ensuring full respect for the independence and the respective mandates of both organizations. This agreement is based on the fundamental principle that, as far as the United Nations is concerned, the Organization will cooperate with the Court, whether it be in the administrative, logistical or legal field, whenever and wherever this is practically feasible, with due regard to the Organization's responsibilities and competence under the Charter and subject to the Organization's rules as defined under applicable international law. This implies that cooperation is also subject to established UN practice.

On the basis of the Relationship Agreement, the United Nations and the Court have put in place a working relationship that has since developed and, I think, grown stronger year by year. By now, most of the requests that the United Nations receives from the Court for its cooperation and assistance requests can be handled as a matter of standard procedure. This was only made possible because of the dedication and trust that both parties demonstrated in working together to overcome the many challenges that they encountered along the way.

A notable example of the success of this relationship is the Memorandum of Understanding between the Court and MONUC. This agreement sets out the procedures and conditions for the provision of services such as air and ground transportation, access to information technology facilities, engineering and construction assistance, vehicle maintenance, temporary overnight accommodation and even military support. The MOU with MONUC has significantly contributed to the ICC's work in the Eastern Provinces of the Democratic Republic of the Congo since 2005. An example of this success is the fact that the first witness to ever appear before the ICC was a MONUC Child Protection Adviser.

Ladies and gentlemen,

You will understand that, for a variety of reasons — the safety and security of UN personnel, the safety and security of those the Organization is mandated to protect, the need to avoid prejudicing the conduct of our operations — I will not be able to discuss the details of the specific cases in which the United Nations has provided support or legal assistance to the ICC. That said, I am looking forward to any opportunity to share the experience that the United Nations and particularly my Office have gained from the years of interaction with the Court as well as with the ad hoc and hybrid tribunals. I look forward to the discussion.

Thank you very much.