



UNITED NATIONS
OFFICE OF LEGAL AFFAIRS

**The United Nations
and the International Criminal Court Partners of Shared Value**

Statement

by

Mr. Miguel de Serpa Soares,
Under-Secretary-General for Legal Affairs,
and United Nations Legal Counsel on
International Criminal Justice Day
17 August 2014, 10.45-12.45 pm
Conference Room 2, United Nations Conference Building

Thank you, Ambassador Cardi.
Excellencies,
Distinguished Colleagues,
Ladies and Gentlemen,

[Introduction]

A the outset, I wish to express my sincere gratitude to the Secretary-General for his strong leadership in supporting international criminal justice in general and the work of the International Criminal Court in particular, and for his consistent and principled advocacy for the fight against impunity and the establishment of an age of accountability.

I am honoured to be part of this distinguished panel on such an important day. I would like to thank the Permanent Mission of Italy for hosting such a relevant and prestigious event.

As United Nations Legal Counsel, International Criminal Justice Day is of the utmost significance to me — support for international criminal justice represents one of the core functions of my office.

Within that broader domain, there is of course the Organization's relationship with the International Criminal Court. This October will mark ten years since that relationship was formalised by the signature and entry-into-force of the Relationship Agreement between the United Nations and the International Criminal Court. I am happy to echo the words of the Secretary General and express our sense of pride that we are partners with the Court. The theme of this panel is most fitting, as we are indeed partners with shared values: values that we hope will bring an end to impunity for the most serious crimes of international concern.

[International Criminal Justice]

Since the two ad hoc tribunals were established in the early 1990s, we have seen a “sea of change” in international affairs. It has become an integral part of how we view the world that perpetrators of atrocities should be held accountable for their wrongdoing. Moreover that, that those perpetrators should be prosecuted — and prosecuted for acts that are so heinous that they are deemed to constitute crimes under international law.

I think we can be proud of what we have achieved over the last 20 years. International criminal justice is now firmly established as an important part of international law. Impunity is no longer the order of the day. Those who commit atrocities now know, like any criminal, that there is a very real chance that they will be prosecuted and punished. The establishment of an age of accountability represents a major moral, sociological and cultural achievement.

Nonetheless, it would be naïve for us to rest on our laurels. We cannot ignore the fact that challenges remain. We have seen in recent times that supporting international criminal justice is not an easy task. In the face of the most objectionable crimes, there are those who would reject accountability, for themselves or for those whom they seek to protect. There are, and probably always will be, those who are tempted to take the short view and to trade justice for an immediate end to the fighting. We must remain steadfast in our goal. We must be single-minded about ending impunity. This can be done by ensuring that the ad hoc tribunals and their residual mechanisms complete their mandates successfully; by

pressing Member States to prosecute serious crimes at the national level and supporting their efforts to do so. And we must support the International Criminal Court, which represents our best hope for ensuring that those who commit crimes that shock the conscience of humankind are prosecuted.

[The International Criminal Court]

In its relatively short lifetime, the International Criminal Court has already made a major contribution to ensuring accountability for serious crimes of international concern. Indeed, I would say that the Court is now a key component in the architecture of international affairs. The Court has eight situations before it.

The Prosecutor has eleven more under preliminary examination. If a new crisis breaks out in which atrocities are committed, it is not just international lawyers whose minds turn immediately to the International Criminal Court, but also statesmen and women, the news media, even the general public.

The very existence of the Court serves as a symbol of the determination of the international community to end impunity for international crimes. The Court now forms part of the discourse of world leaders addressing conflicts and threats to international peace and security. Thankfully for advocates of international criminal justice like those of us in this room, we no longer question whether justice should play a role in bringing about a sustainable peace. In a large part, this is thanks to the existence of the Court. Justice for serious crimes of international concern has become the accepted norm.

[UN-ICC cooperation]

The United Nations is proud of its relationship with the International Criminal Court.

The United Nations Secretariat has closely cooperated with the Court since the conclusion of the Relationship Agreement between the two organisations in October 2004; and the Office of Legal Affairs has played a central role in promoting, facilitating and ensuring that cooperation.

[The Office of Legal Affairs]

In 2005, the Secretary-General designated the Office of Legal Affairs as Focal Point for matters of cooperation between the United Nations and the International Criminal Court. Since then — as before — we have taken our role as advocate for the Court very seriously.

Through our experience working with the ad hoc international tribunals — from the ICTR to the ICTY, from the SCSL to the ECCC — we have gained a depth of knowledge in international criminal justice that, I believe, is unmatched.

But beyond our legal expertise, the Office of Legal Affairs is dedicated to the cause of ensuring accountability for the crime of genocide, war crimes and crimes against humanity — and soon, we hope, aggression.

The Office of the Legal Counsel addresses requests from the ICC for the Organization's assistance by advising the various departments of the Secretariat, the Organization's offices, funds and programmes, its peacekeeping operations and special political missions and, from time to time, the subsidiary organs of its political bodies.

The dedicated team within the Office of the Legal Counsel has also drafted numerous agreements for cooperation between the International Criminal Court and a number of peacekeeping operations in the field. The Court itself can attest, and has attested, to the significant savings it is able to make through relying on the United Nations for its logistical and administrative support.

Each year, the Office of the Legal Counsel is responsible for drafting a report to the General Assembly on the implementation of Article 3 of the Relationship Agreement. This report allows us to take stock of areas in which we have cooperated and assistance that we have provided to the Court over the preceding year.

Our Treaty Section organises an event each year at which Member States are encouraged to ratify the Rome Statute and its two amendments.

As Legal Counsel, I am honoured to have established close ties with the principals of the Court and the Assembly of States Parties, in particular with the Prosecutor and the President of the ASP, Ambassador Tiina Intelmann. My door will always remain wide open to them.

[Conclusion]

In my short term as Legal Counsel, I am proud to be at the centre of matters of cooperation between the United Nations and the International Criminal Court. My Office will continue to lend its expertise and do all that is within our power to facilitate this excellent relationship, which began ten years ago, this year.