



**UNITED NATIONS  
OFFICE OF LEGAL AFFAIRS**

**Message To Commemorate Of International Criminal Justice  
Day**

**Opening remarks**

**by**

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Under-Secretary-General for Legal Affairs

The Legal Counsel

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Your Excellency, Mr. Sebastiano Cardi, Permanent Representative of Italy to the United Nations,

Your Excellency, Judge Silvia Fernández de Gurmendi, President of the International Criminal Court,

Excellencies,

Distinguished delegates,

Ladies and Gentlemen,

I am delighted to be with you and to share these remarks on behalf of the United Nations Office of Legal Affairs on the important occasion of International Justice Day.

In addition to commemorating International Criminal Justice Day, and marking fourteen years since the entry-into-force of the Rome Statute of the International Criminal Court, we also celebrate twelve years since the establishment of the Relationship Agreement between the United Nations and the Court.

I join the Secretary-General in expressing my sincere appreciation to the Permanent Mission of Italy and the International Criminal Court for hosting this important event.

The adoption and entry-into-force of the Rome Statute were defining moments in international law and international relations — a momentous accomplishment earned through relentless effort — one that even some of the most fervent supporters of the cause of international criminal justice had barely dared hope to see in their lifetime.

Today, the International Criminal Court is a fully functioning international judicial body, a fact of international life, and a part of the architecture of international relations.

Today, we emphasize a crucial point: justice matters.

Indeed, the pursuit of justice goes hand in hand with the pursuit of peace, security, development and human rights.



As United Nations Legal Counsel, International Criminal Justice Day is of the utmost importance to me, as support for international criminal justice is a core function of my Office.

Excellencies,  
Ladies and Gentlemen,

The drafters of the Rome Statute always envisaged a vital role for the United Nations in support of the Court and its work.

The Statute provides for the Security Council to be able to refer situations to the Prosecutor, and to be able to request and secure the deferral of investigations or prosecutions.

More importantly, it provides for the Court to be brought into relationship with the United Nations through an agreement.

The General Assembly of the United Nations and the Assembly of the States Parties to the Rome Statute approved the Relationship Agreement in September 2004, and Secretary-General Kofi Annan and President Kirsch signed it the following month.

The Relationship Agreement is founded in a shared belief that the cause of peace can only be served if those responsible for the most serious crimes of international concern are brought to justice.

I echo the words of the Secretary-General in expressing our sense of pride that we are partners with the Court, based on our shared values and our common hope that, together, we can bring about an end to impunity for the most serious crimes of international concern.

Since the establishment of the Relationship Agreement, the United Nations has cooperated closely with the Court; and the Office of Legal Affairs has played a central role in promoting, facilitating and ensuring that cooperation.

This has required maintaining good channels of communication with the Court, its organs and key officials, and the key officials of the Assembly of States Parties. We have always found willing, helpful and sympathetic counterparts, with whom we have established and continue to foster strong working relationships.

The Relationship Agreement has served as the basis for numerous supplementary agreements and arrangements between the United Nations and the Court that cover the full range of our common efforts to bring the perpetrators of international crimes to justice.

These include detailed ad hoc arrangements on a number of issues – including the sharing of information and evidence, the use of modern information technology, providing transportation and security support for the Court's field operations, facilitating interviews



with our personnel, and facilitating their testimony before the Court. Indeed, a United Nations staff member was the first person to testify before the Court in its first trial, that of Thomas Lubanga.

Perhaps most notable are the comprehensive cooperation agreements involving our peacekeeping operations in the Democratic Republic of the Congo, Côte d'Ivoire, Mali and, most recently, the Central African Republic.

These agreements allow for the Court to operate more efficiently because it can rely on the Organization for logistical and administrative support — information technology, communications, engineering, warehousing, food, water, petroleum, equipment, accommodation, medical care, transportation, security and so on.

And they provide a clear and comprehensive basis for legal cooperation — the sharing of information, interviews and testimony of Mission personnel, assistance in tracing, interviewing and transporting witnesses, the preservation of physical evidence and crime scenes, and assistance in conducting searches and making arrests.

To date, the United Nations has provided (on a fully reimbursable basis) over eight million US dollars' worth of logistical assistance to the Court, handed over thousands of pages of documentation, made available dozens of its personnel for interview and facilitated the testimony of five of its current or former staff members.

Excellencies,  
Ladies and Gentlemen,

As the Secretary-General noted, we now live in an age of accountability.

International criminal justice is firmly established as an important part of international law. Impunity is no longer the order of the day.

That is not to say that the path to accountability has been without obstacles. And we cannot ignore the fact that challenges remain. We see all too often that supporting international criminal justice is not an easy task.

We continue to witness human suffering on an unprecedented scale — in Syria, Iraq, South Sudan, Yemen and the Central African Republic, to name just a few. Contending with situations of active conflict presents yet another challenge faced by the Court. These difficulties cannot be underestimated.

In the face of the most heinous crimes, there are those who would reject accountability, for themselves or for those whom they seek to protect.



And there are, and always will be, those tempted to take the short view and trade justice for an immediate end to fighting.

We must resist their siren calls.

We fool ourselves if we think that peace can be made secure by building it upon a foundation of forgetting, or that we can construct sound and stable legal systems that command the faith and trust of the population when those who have committed the greatest affronts to law and decency are allowed to flout the law and defy its reckoning.

Accountability for serious crimes of international concern must be central to our global commitment to maintaining international peace and security, to promoting development, and to encouraging and securing respect for human rights and fundamental freedoms.

Certainly, it is clear that our response to conflicts is now putting far greater emphasis on the pursuit of justice for the victims of grave crimes.

Even States that have not ratified the Rome Statute have called for the referral of situations to the Court and its Prosecutor. That in itself is a testament to how the Court has altered the landscape of international relations.

Excellencies,  
Ladies and Gentlemen,

The Court is the centrepiece of our system of international criminal justice. But it is also a court of last resort.

The ICC cannot be the only answer for addressing the world's ills. Even where it exercises its jurisdiction, it cannot be expected to address the crimes committed by all parties to a conflict.

The Rome Statute gives to States the primary responsibility to prevent and prosecute Rome Statute crimes that are committed in their territory or by their nationals.

We at the United Nations are proud to remain deeply involved in assisting Member States to better address impunity at the national level.

To give but one example: Recently, at the request of the Government of the Central African Republic, the United Nations has supported the creation of a Special Criminal Court in Bangui, which the Government decided to establish as part of its national legal system to try those accused of serious crimes under its criminal law.



Following the promulgation of the national legislation establishing the Court in June 2015, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic – MINUSCA – was mandated by the Security Council to provide logistical and other assistance, as appropriate, to this important national institution.

While the Court is not yet operational, MINUSCA and its partners are working to support the Government in establishing the Court, starting with the development of a prosecution support cell this year. My Office has worked in close consultation with the United Nations Department of Peacekeeping Operations and the United Nations Development Programme in support of these efforts.

Excellencies,  
Ladies and Gentlemen,

It is in all our interest – State Parties, non-State Parties and international organizations alike – to support the Court in achieving its goals. The Court represents our best hope for ensuring that those who commit crimes that shock the conscience of humankind are prosecuted.

The Secretary-General misses no opportunity to advocate its universal ratification, and I wholeheartedly join him in this call.

He also encourages all Member States who are Parties to the Statute to continue to cooperate with the Court, and to do their part to strengthen it.

And he encourages those States Parties that have problems or difficulties with the Court to raise their concerns in the appropriate forum: the Assembly of States Parties.

I am confident that the relationship between the United Nations and the International Criminal Court will continue to grow, and I look forward to our ongoing close collaboration in the years ahead.

The International Criminal Court will always find in the United Nations a committed partner, a staunch ally and a firm friend.