

**Best Practices Manual**  
**for**  
**United Nations – International Criminal Court Cooperation**

pursuant to

The Relationship Agreement between the United Nations and  
the International Criminal Court

(entry into force 4 October 2004)

and General Assembly resolution 58/318

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## 1. Background

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### [The Rome Statute](#)

The United Nations is not a party to the Court's founding treaty; it is not bound by it.

### [The UN–ICCRelationship Agreement](#)

[Article 2 of the Rome Statute](#), entitled "Relationship of Court with the United Nations", provides for the International Criminal Court (ICC) to be brought into relationship with the United Nations (UN).

In its [resolution 58/79](#) of 9 December 2003, the General Assembly invited the Secretary General to take steps to conclude a relationship agreement between the United Nations and the International Criminal Court and to submit such an agreement for the General Assembly's approval.

[The Relationship Agreement](#) was negotiated in 2004. It was approved by the Assembly of States Parties to the Rome Statute (ASP) in its resolution ICC ASP/3/25 of 7 September 2004 and by the General Assembly in its [resolution 58/318](#) of 13 September 2004. It was signed on 4 October 2004 by the then Secretary General, Kofi Annan, and the then President of the International Criminal Court, Philippe Kirsch. It entered into force on that same date.

While recognising the independent judicial character of the International Criminal Court and the need for both the ICC and the UN to respect each other's distinct mandates, the Relationship Agreement provides for close cooperation where appropriate between the two institutions and for consultation on matters of mutual interest.

The Relationship Agreement provides a general framework for cooperation between all units and entities of the United Nations.

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In this resolution, the General Assembly decided that all expenses resulting from the provision of services, facilities, cooperation and any other support rendered to the

## 2. General Principles for Cooperation

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Obligation of cooperation and coordination



It is recognized, though, that there will be some cases where the UN is the best source of information or evidence and will therefore naturally be the Court's interlocutor of first resort.

The principle of subsidiarity applies to all forms of legal cooperation.

#### Principle of protection

Responsibility for the protection of



### 3. Essential Contact Policy

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Obligation to refrain from action that would compromise the work of the Court  
The United Nations has a general obligation to

### Procedure for informing the International Criminal Court of essential contacts

The Secretariat unit, office, fund or programme or peace operation should inform the Office of Legal Affairs at the earliest possible time when a meeting with a person that is the subject of an ICC arrest warrant is scheduled to take place. A procedure has been established whereby OLA informs the Prosecutor of the Court and the President of the Assembly of States Parties to the Rome Statute in advance of such meetings. The letter informs the Court of the meeting and explains why it is considered necessary.

The General As75Tc@003TT288Tc(it)Tj/TT11Tf.55760TD0Tc@003Tj/TT21Tf.i(l.007Tc(of)Tj/TT682JJ/TT11Tf1.39980TD0Tc@00

## 4. Supplementary Agreements between the UN and the ICC

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The Relationship Agreement foresees the conclusion of agreements and arrangements between the UN and the Court spelling out the concrete details of cooperation between them in specific domains or fields.

Articles 10 and 18 of the Relationship Agreement provide for supplementary arrangements which may deal with the provision of facilities or services by the UN to the Court or which may facilitate cooperation between the UN and the Prosecutor.

The United Nations has concluded agreements with the Court for cooperation with the [United Nations Office of Internal Oversight Services](#), the [United Nations Office on Drugs and Crime](#) and the [United Nations Office in Nairobi](#).

The United Nations has also concluded a number of agreements for cooperation between its peacekeeping operations and the Court. In countries, where the Prosecutor has opened investigations and anticipates numerous requests for logistical and other forms of assistance from the United Nations, such agreements, which are concluded further to the Relationship Agreement, have proven very useful from both the Court and the Organization's point of view.

### [Memorandum of Understanding concerning cooperation between MONUC\(now MONUSCO\) and the ICC](#)

The Memorandum of Understanding between the United Nations and the International Criminal Court concerning cooperation between the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC, now MONUSCO) and the International Criminal Court (MONUSCO MoU) was concluded on 8 November 2005.

THE MONUSCO MoU was the first of a number of agreements for cooperation by peacekeeping operations. It provides a basis for a range of types of administrative and logistical assistance such as transportation, medical services and loan of UN owned equipment. It also provides for the provision of military support to the Prosecutor for the purpose of facilitating investigations in areas where MONUSCO units are already deployed. Further to the MOU, administrative and logistical services can be requested by the Court directly from MONUSCO without involving Headquarters.

The MOU also deals with legal assistance, in the form of provision of information, documents, interviews and testimonies. Such requests are still governed by the [principle of Headquarters contact](#). The Office of the Prosecutor or the Registry (on behalf of the Defence or the Legal Representatives of Victims) must address requests for such assistance to the Under Secretary General for Peacekeeping Operations or, in the case of testimony, to the Legal Counsel. Further to consultations with the Mission, DPKO or OLA will respond to the Court, acceding or not to the request for information, interview, or testimony of a UN official.

Memorandum of Understanding concerning cooperation

## 5. Consultations on matters of



## 6. Requests for administrative or logistical assistance

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Legal basis for administrative or logistical assistance

[Article 10 of the Relationship Agreement](#) provides a basis for the United Nations, upon the request of the Court and subject to availability, to “provide on a reimbursable basis for the purposes of the Court such facilities and services as may be required”.

General considerations pertaining to requests for administrative or logistical or

- vi. Assistance with entry and exit formalities
- vii. Assistance in arranging rental agreements, and shipping contracts
- viii. Engineering and construction services
- ix. Training for Court staff
- x. Office space
- xi. Maintenance of court owned vehicles
- xii. Cartography and satellite imagery
- xiii. Sale of petrol, oil and lubricants (POL), water, meals ready to eat (MRE), Post Exposure Prophylaxis (PEP) kits, etc.
- xiv. Medical services





Requests for information pursuant to article 15 and 18 of the Relationship Agreement should be addressed to the headquarters of the unit that

Relationship Agreement, the United Nations may withhold; specifically, information the disclosure of which would:

- (i) endanger the safety or security of any person;
- (ii) prejudice the security or proper conduct of any operation or activity of the United Nations or of its specialized agencies or related organizations or of its implementing partners or executing agencies;
- (iii) violate an obligation of confidentiality owed by the United Nations to a third party;
- (iv) violate or interfere with the privacy of a third person;
- (v) undermine or compromise the free and independent decision making processes of the United Nations; or
- (vi) endanger the security of any Member State of the United Nations.

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## 8. Requests for interviews of United Nations personnel

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### Legal basis for interviews of United Nations personnel

Requests by the International Criminal Court for interviews fall within the same provisions of the Relationship Agreement as requests for documents or information: [Articles 15 and 18](#).

### General provisions pertaining to requests for screenings and interviews of UN personnel

The Court has been informed that its representatives are not permitted to contact members of United Nations personnel directly to request any information which they may have acquired. This applies both to information that they may have acquired during the course of their official duties with the United Nations and, equally, to any information they may have acquired prior to their service with the UN.

All entities of the United Nations, including its offices, funds and programmes, should instruct their field staff to advise Court personnel who may nevertheless approach them for substantive information to direct their requests to Headquarters. That said, representatives of the Court are permitted to make contact with such personnel in order to ascertain whether they may have information that may be of relevance to the Court. In making any such contacts to “screen” UN personnel, the Court has been advised that it is essential that the [principle of discretion](#) be observed



- iii. The individual is not authorised to answer questions if doing so would result in disclosure of information falling within one or other of the [six categories of sensitive information](#) described above;
  - iv. In the event that the individual does disclose information that falls into one or other of these categories, the ICC principal (the Prosecutor or the Registrar) will take the necessary steps to ensure that the availability of the information concerned is restricted within his/her office;
  - v. The individual will not be authorised to share any confidential documents of the United Nations that may be in his/her possession;
  - vi. The requesting ICC office will share the written transcript of the interview for review by the relevant UN unit, office, fund or programme in consultation with OLA before it is disclosed to any other participant in proceedings before the Court;
  - vii. The requesting ICC office will also send a copy of the transcript to the interviewee.
- 10) The individual will be provided with a copy of OLA's response.

#### [The role of the UN representative during interviews of UN personnel](#)

It is typically a condition of the Organization's consent to the interview of a member of its personnel that a representative of the United Nations be present at the interview to assist the individual concerned and to protect the interests of the Organization.

The representative will be appointed further to consultations between the relevant unit, office, fund, or programme and OLA. The representative may be a member of the relevant unit, office, fund or programme or a member of OLA. During the interview, the representative will

## 9. Requests for United Nations personnel to testify before the ICC

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Legal basis for testimonies of United Nations personnel

[Article 16 of the Relationship Agreement](#) provides for cooperation by the United Nations with respect to requests from the Court for the testimony of UN personnel, taking into consideration the UN Charter and the Convention on the Privileges and Immunities of the United Nations.

[The 1946 Convention on Privileges and Immunities](#) (otherwise known as the General Convention) provides immunity for UN officials “from

Court.





## 10. Communication

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