



Check Against Delivery

15 November 2012

### **Statement to the eleventh session of the Assembly of States Parties**

The tenth anniversary of the International Criminal Court offers an important opportunity to reflect on how far the fight against impunity has advanced in recent history.

Twenty years ago, international justice was largely an historical topic limited to a handful of cases against persons suspected of committing crimes in the Second World War. Since then, it has emerged as a popular tool for responding to crimes under international law and delivering justice to victims in a number of national contexts, including through *ad hoc* international criminal tribunals, internationalized criminal courts and by national courts exercising universal jurisdiction.

The establishment of the ICC in 2002 completed the framework by creating a permanent and independent Court that can respond to impunity, potentially anywhere in the world.

In its first ten years, the ICC has achieved a great deal. The Court is now fully functioning and conducting investigations and trials. It has also been accepted as part of the international machinery for responding to crimes under international law.

Nevertheless, the ICC is facing significant challenges that we must not ignore. I will highlight three.

Firstly, the drafters of the Rome Statute designed a system whereby the ICC would act as a catalyst for national justice – complementarity. However, in practice, we have only seen a small number of, mostly flawed, national justice efforts by authorities in situations under ICC preliminary examination or investigation.

Secondly, although the Court reports that cooperation is “generally forthcoming”, there are too many instances of non-cooperation - particularly in the arrest and surrender of suspects. Moreover, only a small number of states have entered into agreements to relocate victims and witnesses at serious risk and to enforce ICC sentences in accordance with international standards.

Thirdly, severe budgetary cuts imposed on the ICC in recent years and proposals to go beyond the recommendations of the Committee on Budget and Finance again this year risk undermining the Court’s work, including the ability of the independent Prosecutor to respond to impunity in all situations under the Court’s jurisdiction.

The Assembly has a key role in addressing all three of these issues. We therefore welcome that, for the first time, the Assembly has included both complementarity and cooperation on its formal agenda. We urge all states parties to use these discussions to work towards finding the most effective ways they can individually and collectively work to implement the important commitments they made on the issues at the Kampala Review Conference. Amnesty International’s submission to the Assembly sets out detailed recommendations that we encourage you to consider.

The ICC must have adequate resources to operate effectively, especially at times, like now, when the number of situations under preliminary examination and investigation is high. We therefore call on states parties participating in the Working Group on the Budget to once and for all reject calls for “zero-growth”, which have been used by a small number of states to achieve arbitrary cuts in previous years. Instead, the Working Group should focus solely on reviewing the recommendations of the Committee on Budget and Finance and fully consider the impact of the recommendations before adopting them.

The tenth anniversary marks a milestone in the Court’s establishment. Yet, the next years will be even more important. Our focus today must be on ensuring that the ambitious Rome Statute system continues to develop.

Amnesty International looks forward to working with the ICC and the Assembly, including through our new Centre for International Justice in The Hague, to ensure the success of this effort.