

UNITED NATIONS



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THE SECRETARY GENERAL

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**MESSAGE TO OPENING OF 12TH SESSION
OF THE ASSEMBLY OF STATES PARTIES
OF THE INTERNATIONAL CRIMINAL COURT
The Hague, 20 November 2013**

Delivered by the UN Legal Counsel, Under-Secretary-General Miguel de Serpa Soares

President Song,
President Intelmann,
Madam Prosecutor,
Mr. Registrar,
Excellencies,
Distinguished delegates,
Ladies and Gentlemen,

I send warm greetings to the Assembly of States Parties to the International Criminal Court.

Together, we have come a long way from the world we knew in the early 1990s — a world that not only witnessed war crimes, crimes against humanity and genocide, but that also largely left such heinous crimes unpunished.

We now live in an age of accountability.

International criminal justice has become an integral part of the architecture of international relations; and the International Criminal Court is its centrepiece.

We cannot pretend that the world we live in today is one in which genocide, crimes against humanity and war crimes are no longer committed. But we can say most emphatically that it is a world in which we no longer expect the perpetrators of such crimes to escape justice.

This is not to say that the Court does not face challenges.

In spite of our collective efforts, we are still some way from achieving universal ratification of the Rome Statute.

Of the 139 States that signed the Court's founding treaty, 31 have yet to ratify it and 43 States have neither signed nor acceded to it.

I am convinced that the solution of broadening the reach of the Court is not disengagement, but universality. Indeed, only once the Rome Statute has been universally accepted can the Court be as effective as we would wish it to be, with a truly global reach. That is why I continue to take every opportunity to encourage Member States of the United Nations that are not party to the Rome Statute to demonstrate their resolve to end impunity by ratifying or acceding to it.

The Court also faces challenges that go beyond the lack of universality.

It faces challenges in bringing the accused to judgment and delivering justice to the victims without undue delay.

The Court has had to struggle to marshal the necessary resources to investigate eight situations simultaneously while conducting preliminary examinations of a further eight situations.

It faces the continuing challenge of ensuring that it is staffed by the best legal minds and produces well-reasoned judgments and decisions that will stand the test of time — judgments and decisions taken in accordance with the highest judicial standards of criminal law and criminal procedure.

And finally it faces the fundamental challenge of upholding the core principles of justice, equality and the rule of law: that the law applies equally to all; and that it is delivered independently, impartially and in conformity with international human rights law and standards, and just as importantly, that it is seen as being so delivered.

We must also, in parallel, focus on building effective national justice institutions and dispute mechanisms.

Our commitment to international criminal justice is not only a commitment to strengthened international cooperation and dialogue, but also to strengthened domestic human rights and rule of law systems.

At this difficult moment, we must remain steadfast and ensure that we are on the right side of history.

As uncomfortable as it may be, we must address our challenges head on.

We must encourage dialogue, and remain true to the principles that have brought us this far. This Assembly is the best forum for this dialogue.

I am committed to the Rome Statute system of international criminal justice, to this Assembly and to the Court and the invaluable work it has done in the fight against impunity.

In 1998, we turned our backs on impunity. We said “no more” to crimes without accountability. We dared to believe that a new international system, backed up by a strong Court of last resort, could provide for criminal responsibility where impunity once reigned – acting for victims of past crimes while serving as a deterrent to future ones.

The Court has justified those original hopes. Five of the eight situations before the Court today were the result of either a direct State Party referral or an invitation to the Prosecutor to investigate. States have given unfettered access to the Prosecutor while fully acknowledging that the person who holds that office has a duty to investigate all sides of a conflict. Not so many years ago, such steps would have been unthinkable.

I am proud to note that the United Nations and the Court enjoy good ties, enshrined in a Relationship Agreement. While the Court’s mandate is separate and distinct from that of the United Nations, the Rome Statute reaffirms the Purposes and Principles of the Charter. Our priorities may differ at times; but we are partners in an enterprise that aims to build a better world for all humankind, liberated from the scourge of war and free of the deeds of evil.

The Court can continue to count on the full and unwavering support of the United Nations. Please accept my best wishes for a successful Assembly.