



**FIDH - International Federation for Human Rights  
Member league(s) or partner organisation(s)**

**FIDH speech to the 12th Assembly of States Parties to the Statute of the  
International Criminal Court – 21st November 2013**

Madam President,

It is an honour for me to address this Assembly of States Parties (ASP) to the Statute of the International Criminal Court (ICC) in the name of the International Federation for Human Rights (FIDH) and its 178 member organisations. Because of the current context with which the Court is confronted, it is essential that the Rome Statute's States Parties send a clear and strong message reaffirming their commitment to the fight against impunity for genocide, war crimes and crimes against humanity. This message must be strong enough to reach the affected communities and the victims of those crimes, who see in the ICC their last hope to achieve justice.

In the framework of the general debate, we have heard the statement of various States, from all regions, reaffirming their commitment to defend the Statute's integrity, judges' independence, and victims' rights. We urge the States to bear these elements in mind when adopting decisions during this Assembly.

The discussions are marked by a strong political component. Our member organisations from around the world, which support victims of serious crimes, requested that we use this opportunity to send a message: it is the Court's duty to provide impartial and independent justice for international crimes when this is denied by national jurisdictions. It has often been the only way for those who suffered from atrocities to see those who bear the greatest responsibility of the most serious international crimes prosecuted. Our organisations hope that the States' decisions taken at this Assembly will contribute to make these hopes a reality.

Nevertheless, FIDH wants to express its concerns relating to various proposals of amendments to the ICC legal texts. For FIDH and its member organisations, many of them do not follow the objective and purpose of the Rome Statute. In this context, all States Parties have to reaffirm their commitment to justice and the respect of victims' rights, and ensure that there are no double standards in international justice.

The principle, that no one, whatever the rank or position, can be above the law, constitutes a fundamental pillar of the Statute. Presidential immunities or immunities for high level State officials are inadmissible before the ICC. States have to support judicial independence as a guaranty of a fair trial for the accused and have to recognize that only judges may decide on the modalities or exceptions for the accused' possible absence during the trial.

Any threat to the principles ruling the Rome Statute are to be understood as a direct attack against victims' rights to justice and reparation. Amendments to the ICC Rules of Procedure and Evidence must have for only goal to strengthening and improving ICC proceedings, but never to moving away from the Statute's spirit which defines its jurisdiction.

FIDH urges States to avoid the elaboration of *ad hoc* responses without a previous and genuine consultation process. States always have to be devoted to the Statute's principles and not rush into taking decisions which in the long term will discredit the Court's independence and undermine the fulfilment of its mandate.

States have to keep in mind that they will discuss many topics, many of them of great importance to the fulfilment of the Court's mandate, including the issue of victims and affected communities' role in the ICC system, ICC budgetary considerations, the role of intermediaries, the legal representation schemes and State cooperation, among others. Pursuing the goal of contributing to the discussions, FIDH prepared a position paper, which includes suggestions to guide the States' positions.

Madam President

One of the issues which is of vital importance for our Federation and our member organisations is the issue of victims and affected communities. FIDH welcomes the fact that this Assembly has dedicated a specific session to this particularly crucial and sensitive topic, entitled "*Beyond Kampala: reaffirming the value of victims' mandate of the Rome Statute system*". Such a high level panel coupled with the States' statements constitutes a convenient moment for States to convey clear messages of support and commitments to place at the heart of the debate the interest of those directly affected by international crimes.

The States must side along the victims and convey their demands for the pursuit of justice to guarantee a lasting peace and ensure that no further crimes which affect the conscience of humanity are committed in the future.

This Assembly represents also an ideal moment for the Court and the States to recognize the benefits of victim's participation in the Court's proceedings, in the reinforcement of the legitimacy of the Court's actions, the accomplishment of the objectives of the Rome Statute and the recognition of the central role of victims in international justice as such. For the victims to share their views during the trial provides invaluable information on the crimes committed and the damages caused. It is imperative that the States guarantee that the implementation of victims' rights is meaningful and effective.

FIDH is aware of the enormous challenges the ICC faces on a daily basis and of the negative impacts of the international financial crisis. We urge, however, the States to make an additional effort for the Court and its various organs to have the necessary resources to meet the expectations of victims and of the society as a whole.

Madam President,

Allow me to conclude this message by a brief tribute to all of the victims who have passed away while waiting to see justice prevail in their case, but also to those who are no longer with us today despite having dedicated a relentless fight to obtain that the ICC becomes at last the justice ending impunity of the most serious crimes; and in particular to our dear colleague from Amnesty International, Christopher Keith Hall.

Thank you very much

**Paulina Vega**

FIDH Vice-President