

**Statement on Behalf of the United States of America**  
**15<sup>th</sup> Assembly of States Parties**  
**November 17, 2016**

Thank you, Mr. President. I am pleased to be here today and to have the honor of addressing my fellow delegates on behalf of the United States delegation.

We meet here, and we work together in New York and in Geneva and in capitals around the world, because the fight to end impunity for the world's worst crimes must be won, even if doing so takes decades. The United States has shown a deep commitment to that fight ever since Robert Jackson observed at the outset of the International Military Tribunal at Nuremberg that some crimes were "so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated."

The United States welcomes this annual opportunity to engage as an Observer State with the International Criminal Court and its states parties in pursuing our shared objective of ensuring accountability for crimes that shock the conscience of humanity. While recognizing that we continue to face challenges in this endeavor, I would like to reflect today on some of the remarkable achievements we have seen in the past year.

First, in March we welcomed the Court's first conviction for crimes of sexual violence, a verdict that makes more vivid and concrete the principle that so many of us have repeated over and over – that the use of sexual violence as a tactic of war must not be tolerated. This is a scourge that must be condemned to the past. We appreciate the Prosecutor's continued efforts to bring attention to these crimes, including by ensuring that the trial of Dominic Ongwen will address allegations of sexual violence. For our part, the United States remains committed to efforts to hold accountable those responsible for sexual violence. In that vein, we were pleased to announce in September additional funding to support Guinea's efforts to bring to trial those responsible for the brutal rape and killing of hundreds of civilians during the 2009 stadium massacre.

Also in September, we saw the Court's first conviction for crimes related to the destruction of cultural heritage. The statement made by the Prosecutor underscored the importance of these crimes, vividly describing them as an effort to eliminate "the physical manifestations that are at the heart of communities" and "a profound attack on the identity, the memory, and therefore the future of entire populations." It is with this same recognition in mind that the United States has been dedicated to the protection of cultural heritage across the world and particularly in conflict zones, including through combatting the trafficking of antiquities looted by Da'esh and supporting conservation efforts in Syria and Iraq.

Finally, we welcomed just last month the Court's first conviction for witness tampering. The corrupt influencing of witnesses, and the use of intimidation and violence against them, poses a grave threat to efforts to expose the truth about atrocity crimes and provide justice to victims.

More broadly, the United States is pleased to have played a supporting role in a number of positive developments we have seen this year in the pursuit of justice for atrocities and other serious crimes. We have provided or committed financial or in-kind support to a number of justice initiatives, including the Extraordinary African Chambers' proceedings that led to the conviction of former Chadian President Habré, the newly created Specialist Chambers in Kosovo, and the Special Criminal Court being developed by authorities in the Central African Republic.

Our work with Ugandan and Central African authorities set Dominic Ongwen on the path to a courtroom in The Hague – and the State Department continues to offer rewards for information leading to the apprehension of a number of other individuals charged by international tribunals, through a program launched and more recently expanded by bipartisan majorities of the U.S. Congress.

And the United States, including U.S. law enforcement agencies, is committed to working with our partners here and elsewhere to better ensure that witnesses who have the courage to speak the truth about such crimes are not made victims for doing so, and that witness intimidation does not become a pathway to impunity.

At the same time, in spite of all our common efforts, we must acknowledge important frustrations over the last year. In Darfur, for example, the lack of accountability for past crimes has sustained a climate in which abuses continue – and the recent debates over immunity and withdrawal should not diminish concern for the desperate plight of victims.

And, even as we gather here this week, horrific atrocities in Syria and Iraq continue to shock the conscience. In March, Secretary Kerry spoke boldly and decisively in concluding that Da'esh is responsible for genocide in Iraq against groups in areas under its control, including Yezidis, Christians, and Shia Muslims; and he has also spoken forthrightly about atrocities in Syria, including his recent condemnation of “what can only be described as crimes against humanity taking place on a daily basis,” and his call for crimes in Syria to be investigated and for those who commit them to be held accountable. It is incumbent on the international community not to turn a blind eye to these atrocities; we must work tirelessly to identify ways to bring to justice those most responsible.

In other situations, we have seen tentative steps toward reckoning with similarly serious crimes. We continue to support the government of the Central African Republic's efforts to establish a Special Criminal Court, which will work alongside the ICC – which is already investigating at the government's request – as a strong ally to bring to justice those responsible, at all levels, for atrocity crimes. We urge the CAR authorities to complete this process. We also continue to call for the establishment under the auspices of the African Union of the Hybrid Court for South Sudan, which the parties to South Sudan's conflict have agreed must be created as part of a sustainable peace. The African Union has already taken some preliminary steps toward establishing the court, and if

these are completed, the court has the potential to be a model of a joint effort between states and the African Union to end impunity and pursue justice for victims.

The ICC of course continues to play an important role in the broader array of efforts to promote justice, alongside regional, domestic, and hybrid institutions – and the recent decisions to withdraw from the Court will not diminish the underlying imperatives for accountability that have fueled these efforts. As we have said, though, the best prospects for ensuring justice lie in the first instance in the strengthening of national institutions and political will, and in the efforts of States to promote capacity and progress at that level, in particular in societies striving to rebuild after years of conflict. At the same time, the United States urges its fellow States and the Court itself to do all they can to support and respect genuine domestic efforts to ensure accountability and promote justice.

It is in the context of the Court's role in promoting justice for atrocity crimes that I would recall the concerns the United States has consistently raised with respect to the crime of aggression amendments. We continue to believe there remains a dangerous and substantial degree of uncertainty with respect to quite basic issues regarding the amendments, and we continue to believe that it is in the interest of both peace and justice to ensure that any decision to activate the Court's jurisdiction be preceded by concrete steps to provide greater clarity on these matters.

The United States has played an active and leading role in promoting justice for mass atrocities for more than seventy years. We look forward to our continued partnership in service of these goals.

Thank you.