



## Statement of the Coalition for the International Criminal Court

William R. Pace, Convenor

9<sup>th</sup> Session of the Assembly of States Parties - 7 December 2010

Mr. President, Colleagues, Excellencies, Ladies and Gentlemen,

I am honored to speak on behalf of the Coalition for the ICC. While we are only in the first decade of the Court's life, we firmly believe that the Assembly of States Parties of the Rome Statute of the ICC is one of the most important governing bodies in the international legal order. We further believe as some governments have stated, that with the success of the Review Conference in Kampala, and with the Court fast approaching the conclusion of its first trial and first full terms of judges and prosecutor, that the Court and the Rome Statute system are entering into a new and extremely important stage. The Rome Statute system represents no less than a crucial test of whether justice and the rule of law in international affairs will become the fundamental basis for the maintenance of peace in the 21st century. Or whether, as we have seen during this first decade, that the 21st century will be a catastrophic repeat of the last century, the most violent and war-ridden in all history.

The stakes are enormous. The Coalition is dedicated to working with individual governments, with the Assembly, with the Court's Judges, the Prosecutor, the Registrar and others within the Court in order to ensure that the Rome Statute system achieves its momentous potential.

Electing appropriate and qualified candidates for judicial office is one of the significant tasks of the Assembly and its States Parties, in terms of ensuring efficient and effective justice of the highest quality. States should demonstrate that they are setting politics aside and focus solely on an objective assessment of the relevant qualifications, experience and skills, especially with the important upcoming elections. In this regard the Coalition is proud to announce the establishment of the Independent Panel on International Criminal Court Judicial Elections. We hope this distinguished Panel of eminent judicial experts will enhance the nomination and election process by helping encouraging governments to nominate the most highly qualified persons.

In the deliberations on the various issues before the ASP, no decision should be taken that undermines, or could be perceived to undermine, the judicial independence of the Court's organs. The independence of the Court needs to be safeguarded by States Parties.

Given the political and practical challenges that the Court is facing, which have been considerable of late, States Parties must commit to consistent public support for the Court through all relevant bilateral and international efforts, including at the United Nations, and other international and regional organizations. In the build-up to the ASP, we had asked States Parties to use their statements to loudly voice that they will continue to be vital partners in strengthening the ICC and were happy to hear that many were of the mind to do so.

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### About the NGO Coalition for the International Criminal Court (CICC)

The CICC is a global network of over 2,000 civil society organizations supporting a fair, effective and independent International Criminal Court. For more information, visit us online at [www.iccnw.org](http://www.iccnw.org).

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The pledges segment of the Review Conference resulted in an important contribution to the Rome Statute system, with thirty-five States Parties, one observer state and one regional body submitting detailed pledges for action. In this respect we urge States Parties to use this ASP to strengthen the practice of pledges begun in Kampala. We encourage States to make new pledges and for those States that previously pledged, to consider sharing their experiences and challenges in the implementation of their pledges. Further, we ask States to support a continuing focus on pledges during future sessions of the ASP.

Eight warrants of arrest are outstanding including four in the situation in Uganda, three in the situation in Darfur, Sudan, and one in the situation in the Democratic Republic of the Congo. Two of the warrants have been outstanding for over three years and four have been outstanding for over five years. Next week, the Prosecutor will issue arrest warrants in the situation in Kenya. States are encouraged to demonstrate their intention to execute all outstanding arrest warrants, or to facilitate their execution through inter-state cooperation.

Fair trial, due process and equality of arms, as well as victim participation, are inherent principles of the Rome Statute system. These values deserve due attention and should be reflected in all ASP decisions, including through the approval of the Court's budget for legal aid for defence and victims. All actors within the Rome Statute share the responsibility to guarantee that victims are involved in the justice process in a manner that ensures their dignity.

With more than two-thirds of the world's nations having signed, ratified or acceded to the Rome Statute, there is a clear movement towards universal acceptance which reflects the Court's work and global focus. We are pleased therefore, to welcome four new States who have joined the fold, Bangladesh, Seychelles, Saint Lucia and Moldova. We would encourage States to report on steps taken towards universality of the Rome Statute, including ratification of or accession to the Agreement on Privileges and Immunities (APIC), and encourage observer states and other non-States Parties to join the Rome Statute system, and to offer political support and, as appropriate, technical assistance to states working toward that goal. Encouraging wider ratification of the Rome Statute is key to expanding the reach of international justice and ensuring the equal application of the law.

The Assembly involvement in the Rome Statute system has expanded both in terms of depth and width. States should call for an assessment of current ASP and Bureau structures to consider whether the current oversight structures of the ASP and the Bureau provide adequate focus, support and procedures. It is clear that the effectiveness of the Court is tied with the effectiveness of the ASP.

During 2010, the Court has achieved substantial progress in the development of its communications activities. Investments in ICC communications, outreach and the strengthening of the Court's field offices concretely contribute to the Court's overall visibility, functioning, international legitimacy and local relevance. The Coalition calls on States Parties to continue their support for the Court's field presence, outreach work and public information strategy. The

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support of States Parties is essential to help the Court's raise its profile and create an enabling environment for its work.

States Parties should continue to support the Trust Fund for Victims and commit to generous and regular contributions in the future. Particular attention should be paid to the specific donor appeal aimed at assisting victims of sexual violence in all five situation countries.

As support for the Court through cooperation is crucial to the carrying out of its mandate, so too is the support provided by States Parties, through their continued financing of the Court. The Coalition strongly encourages States Parties to ensure that the Court is adequately financed in order to reach its identified goals in 2011. While the international financial crisis has highlighted the need to prioritise spending, any potential deterrent effect of the Court will be limited if victims and their abusers learn that the Court cannot afford to expand its docket in the foreseeable future. The so-called "zero-growth" budget concept has led to unprincipled and counter-productive results in the U.N. system, and ICC states parties must be sure to avoid this mistake in the ICC budget process.

Thank you.

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