

THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

TENTH ANNIVERSARY COMMEMORATION

**UNITED NATIONS
NEW YORK
17 JULY 2008**

Note

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Decision”.

Edited and produced by the Secretariat of the Assembly of States Parties

Secretariat, Assembly of States Parties
International Criminal Court
P.O. Box 19519
2500 CM The Hague
The Netherlands

asp@icc-cpi.int
www.icc-cpi.int

Tel: (31) 70 515 9806
Fax: (31) 70 515 8376

International Criminal Court publication
ISBN No. 92-9227-132-6

First edition 2009

Second reprint 2009

Third reprint 2009

Fourth reprint 2010

Fifth reprint 2010

Copyright © International Criminal Court 2009

All rights reserved

Printed by Ipskamp, The Hague

Cover photograph ©: ICC-CPI; Mr. Luis Moreno-Ocampo, H.E. Mr. Ban Ki-moon, H.E. Mr. Bruno Stagno Ugarte, Mr. Philippe Kirsch and Mr. André Laperrière

The statements contained in this publication, including other language versions, as well as photographic material, are available on the Court’s website, under Assembly of States Parties, <http://www.icc-cpi.int/menus/asp>.

Contents

Page

Preface v

OPENING REMARKS

1. H.E. Mr. Bruno Stagno Ugarte
President of the Assembly of States Parties 3

ADDRESSES

2. H.E. Mr. Ban Ki-moon
Secretary-General of the United Nations 7

3. Mr. Philippe Kirsch
President of the International Criminal Court..... 9

4. Mr. Luis Moreno-Ocampo
Prosecutor of the International Criminal Court 13

5. Madame Simone Veil
Chair of the Board of Directors of the Trust Fund for Victims..... 19

6. Ms. Ruth Wijdenbosch
Member of Parliament of Suriname, Parliamentarians for Global Action..... 21

7. Mr. Bill Pace
Convenor of the NGO Coalition for the International Criminal Court 25

PROGRAMME

Programme 33

PREFACE

On occasion of the tenth anniversary of the adoption of the Rome Statute, which coincided with the fifth anniversary of the entry into force of the Statute, States Parties and civil society gathered to celebrate the landmark event at United Nations Headquarters, where a substantial part of the negotiations on the draft Statute took place, and to reflect on the means to assist the Court in fulfilling its mandate.

In the decade since its adoption, the Statute had entered into force earlier than anyone had expected, giving rise to numerous challenges inherent to setting up a novel institution. After overcoming the legal, logistical and administrative hurdles of its start-up phase, the Court has become operational and is dealing with several situations and investigations, as well as judicial proceedings. The dynamic activities of the Court have been the result of referrals by States as well as by the United Nations Security Council.

Although the Court has yet to complete a full cycle of investigation and trial, its support among the international community has continued to be reinforced, as evidenced by the accession of two additional States in July 2008, which has brought the total number of States Parties to 108.

The organizers of this celebratory event, the Permanent Mission of Liechtenstein to the United Nations and the Coalition for the International Criminal Court, hope that the dissemination of this publication contributes to increasing the awareness of and support for the Court.

Ambassador

Christian Wenaweser

Permanent Representative of Liechtenstein to the United Nations

October 2008

OPENING REMARKS

H.E. Mr. Bruno Stagno Ugarte*

On behalf of the Assembly of States Parties of the International Criminal Court, it is an honour to welcome you to this ceremony to commemorate the tenth anniversary of the adoption of the Rome Statute.

This event is taking place at a moment when important developments have taken place at the Court and when the challenges to be met in the near future seem daunting, not just for the Court, but for the international community as a whole. In particular, we are presently confronted with important questions regarding the imperatives of peace and justice. The decision announced by Prosecutor Moreno-Ocampo on Monday to present a case against the President of Sudan, Omar Hassan Ahmad Al Bashir for crimes of genocide, crimes against humanity and war crimes in Darfur, is an important development in this regard. We stand for the interests of justice, and as States Parties to the Rome Statute we are called to be concerned not only by the fighting, but also by the killing, whether it is in Sudan or elsewhere.

The 107 States Parties gathered here today have committed not to become inured to horror, not to take part in the distribution of blame for events past and not to seek absolution by invoking the “never agains” the international community has usually withdrawn to whenever it has allowed evil to run its course.

As we confront evil, as we seek retribution for the worst forms of mass brutality and cruelty imagined by some, we must not allow the righteousness of our cause to become entangled. We must stand alongside our Court, its impartiality, its complementarity, its promise of universality. We stand first and foremost for the defense of humanity, not sovereignty.

Allow me, on this day, to pay tribute to all those who have contributed to the establishment of the Court, the States and the delegates who negotiated the Rome Statute and its supplementary norms, and those delegates or experts who have assumed roles in the Bureau and other subsidiary bodies of the Assembly.

We also acknowledge the vital role played by international organizations and non-governmental organizations throughout the entire process. I must in particular mention the United Nations and the Coalition for the International Criminal Court, without whom the International Criminal Court would simply not exist.

The year 1998 constitutes a watershed in international criminal justice. The history of international criminal justice will refer to the periods before and after the establishment of the Court. After decades of waiting, the dream of Raphael Lemkin has become a reality, a permanent reality. Numerous other indefatigable dreamers and believers in the cause of international justice have followed in his footsteps - in particular I acknowledge the presence among us of Mr. Arthur N.R. Robinson and Mr. Benjamin Ferencz.

Something special happened in Rome, something that only those that had the opportunity to participate in the Rome Conference can properly explain. I did not have that opportunity, so I am not really entitled to describe how the participating delegates were overtaken by the Rome Spirit. Maybe President Philippe Kirsch, who presided over the negotiations of the Rome Statute, can share with us how the Rome Spirit came about.

* *President of the Assembly of States Parties 2005-2008.*

Before introducing our distinguished invitees, allow me to quote from someone who had the misfortune of seeing genocide first hand: General Romeo Dallaire. In “Shake Hands with the Devil”, he warns us that “we need to study how the genocide happened not from the perspective of assigning blame- there is too much to go around- but from the perspective of how we are going to take concrete steps to prevent such a thing from ever happening again. To properly mourn the dead and respect the potential of the living, we need accountability, not blame.”

That is precisely the purpose of the International Criminal Court, and that is therefore our commitment as States Parties. As we gather to commemorate the tenth anniversary of the adoption of the Rome Statute, let us all ensure that the Rome Spirit remains alive as a transfusion of humanity that is able, whenever and wherever necessary, to confront evil and secure a future without impunity for the worst crimes known to man.

ADDRESSES

H.E. Mr. Ban Ki-moon*

I am honoured to welcome you here at United Nations Headquarters to mark the tenth anniversary of the Rome Statute of the International Criminal Court.

This milestone provides an occasion for celebration as well as for reflection. The relation of the International Criminal Court is unquestionably one of the major achievements of international law during the past century. But this young Court remains a work in progress; a fragile part of a crucial and ongoing effort to entrench international law and justice.

This fight against impunity started in earnest with the establishment of the International Criminal Tribunals for the former Yugoslavia and for Rwanda. These courts pioneered the emergence of international criminal justice and the enforcement of international humanitarian law.

Their ground-breaking work led to the establishment of other forums to fight impunity. The hybrid courts established in Sierra Leone and Cambodia benefited from the experience of the original tribunals and demonstrated the growing reach of international criminal law.

The success of these ad hoc tribunals demonstrated the international community's determination to address international crimes and provided the path to a permanent forum for investigating and prosecuting these crimes -- the International Criminal Court.

The United Nations is proud of its relationship with the International Criminal Court. Our Organization provided crucial assistance and support to United Nations Member States who created the Court. Ever since, UN-ICC cooperation has expanded steadily to the point that, by now, our two independent institutions fully complement each other's work.

Today, the United Nations work to promote peace, development and human rights is heavily dependent on the International Criminal Court's efforts to advance justice and establish the rule of law.

As your privileged partners over the past 10 years, I would like to use this opportunity to reflect on some of the challenges confronting the Court. Addressing them will be crucial to advancing our shared fight against impunity.

First, the International Criminal Court will be strengthened by additional steps towards achieving even greater universality. This growing universality naturally calls for geographic diversity in the investigations and other activities undertaken by the Court. Such steps could help counter any perception of exclusivity, even if it is dictated by circumstances.

Second, all the stakeholders in the Court need to pursue a collaborative learning process with determination, enthusiasm, creativity and patience. This initiative must advance along multiple lines; permit me to list just a few:

- We must seek to strike the correct balance between the duty of justice and the pursuit of peace. Impunity for crimes can never be tolerated; amnesties for international crimes are unacceptable. When confronted with these dilemmas, we must never sacrifice justice; crucially, the search for a balance between justice and peace should never be influenced by the threats and postures of those seeking to escape justice. This is key.

* *Secretary-General of the United Nations.*

- Furthermore, the Court must continue to demonstrate a purely judicial character, as well as total independence. I have no doubt that this will remain so. In turn, the entire international community must also learn to respect the International Criminal Court and its decisions. After all, our entire international system will suffer if the Court's decisions and judgments are not properly implemented.
- Finally, let us work to further improve cooperation between the Court and the United Nations in ways that take into account the legitimate interests of both partners. The United Nations is prepared to take all necessary action, with due respect to the applicable rules, to facilitate the Court's noble mission.

Time constraints prevent me from delving into other, equally important, aspects that also merit our attention and efforts. These include the need for full and proper attention to victims, the capacity of States to prosecute and try alleged perpetrators of international crimes and the necessity of an outreach strategy to communicate the role and functioning of the Court.

Instead, let me mention the role of civil society as a third aspect of the International Criminal Court's continuing evolution. Non-governmental organizations have played a decisive role in the creation of the Court, in helping swell the number of States parties and in implementing the Rome Statute at the national level. Their role today remains as important as it was 10 years ago. We need their continued engagement to help the Court evolve and advance, and their support to ensure the Court's success.

Far too often in the past, the gravest crimes have gone unpunished. The most egregious criminals have remained at large. And the most wronged victims have been denied justice. But the first decade of the International Criminal Court signals a break from this unfortunate past. It puts would-be war criminals and perpetrators of genocide and crimes against humanity on notice that they cannot expect impunity; that they will be indicted, that they will be arrested, and that they will be held responsible.

Let us celebrate today's milestone and the remarkable progress we have made in such a short time. Let us also recommit ourselves to the aims and ideals of the International Criminal Court, and to ending impunity and advancing the rule of law in every part of the world.

Mr. Philippe Kirsch*

Je souhaiterais remercier l'Assemblée d'avoir organisé ces célébrations. Je souhaiterais également remercier l'Organisation des Nations Unies de nous avoir permis d'utiliser ses locaux aujourd'hui ; ce même bâtiment où la République de Trinité-et-Tobago, sous l'impulsion d'Arthur Robinson, a proposé la création d'une cour pénale internationale à l'Assemblée générale. Depuis lors, nos deux institutions ont travaillé en étroite collaboration, symbolisé par notre présence aujourd'hui au siège de l'ONU pour commémorer la création de la Cour Pénale Internationale.

Nous avons tous des raisons de nous féliciter de ce dixième anniversaire de l'adoption du Statut de Rome. Pour l'Organisation des Nations Unies, cette date représente l'aboutissement de 50 années d'efforts en vue d'établir une cour pénale internationale permanente. Pour les États, cette date marque un accomplissement remarquable de la diplomatie internationale. Pour les organisations non gouvernementales qui ont fait campagne pour la création de cette cour, cette date témoigne de la capacité de la société civile à mobiliser les forces politiques au plus haut niveau. Pour les victimes des crimes les plus graves, cette date consacre leur droit à la justice. Pour nous tous, cette date marque un tournant dans la lutte menée contre l'impunité des crimes les plus graves qui touchent l'ensemble de la communauté internationale.

L'adoption du Statut de Rome a été un moment historique. La création de la Cour Pénale Internationale figurait à l'ordre du jour des Nations Unies depuis les années 40. Mais elle a pris 50 ans à cause de la guerre froide. Pourtant la Cour était une nécessité aussi bien à l'époque qu'aujourd'hui. Les événements survenus à travers le monde nous ont montré en de multiples occasions les conséquences désastreuses de l'impunité du génocide, des crimes contre l'humanité et des crimes de guerre.

Sans mécanisme efficace permettant de juger et de punir les auteurs de ces crimes, ceux-ci ont continué à agir sans crainte et les victimes ont été privées de justice. Des régions entières ont été déstabilisées et des sociétés sortant d'un conflit ont éprouvé de grandes difficultés à parvenir à la réconciliation.

Devant l'insuffisance des institutions politiques existantes pour résoudre ces problèmes, il fallait mettre en place une institution différente devant laquelle devraient répondre de leurs actes les auteurs des pires crimes commis. Ce devrait être une institution d'une portée globale, qui bénéficierait du large soutien de la communauté internationale. Plus important encore, chacun des actes de cette institution devrait refléter son respect strict de la primauté du droit.

En dépit des obstacles politiques de l'époque la communauté internationale n'a pas perdu espoir ni cessé ses efforts: les États, l'ONU et la société civile ont continué à promouvoir la création d'une cour pénale internationale. Ils sont parvenus à leurs fins avec l'adoption du Statut de Rome le 17 juillet 1998.

Ten years after Rome, the International Criminal Court is a fully-functioning reality. With the accession of Suriname, 107 States have ratified or acceded to the Rome Statute. Four situations have been referred to the Court. The Prosecutor is conducting investigations and has initiated cases in each situation. The judges have issued twelve warrants of arrest. States have surrendered four suspects to the Court. Victims are participating in proceedings. The

* *President of the International Criminal Court.*

Trust Fund for Victims, governed by five eminent persons and chaired by Madame Simone Veil, has started its first projects.

Yet, in many ways, we are still at the beginning. We have only started to realize the potential of the International Criminal Court. The Court and the entire Rome Statute system will develop further in the coming years. Whatever the future brings, the role of the Court, like the Court itself, is permanent. Its enduring mandate is to conduct fair, independent and impartial investigations and judicial proceedings in strict accordance with the Rome Statute. Over time the Court will establish a body of jurisprudence, resolving questions left open in the Rome Statute and thereby increasing the efficiency of proceedings. It will continue to give effect to the rights of victims to participate in proceedings.

In due course it will address questions of reparations to victims. It will uphold the principle of complementarity. It will protect victims and witnesses in conflict situations. And of course at all times it will continue to ensure the fullest respect for the rights of the accused.

The Court is determined to carry out these functions to the highest standards. But its ultimate success depends also on those who created it and who determined its mandate and its limitations.

First, more needs to be done to achieve universal ratification of the Rome Statute for the Court to have the truly global coverage envisioned by its founders.

Second, the operational cooperation of States and international organizations will become even more important, in particular in arresting suspects, protecting witnesses and enforcing sentences. States Parties are obligated to comply with the requests of the Court, but all States and organizations can assist its work. In this context, I thank the Secretary-General for his personal commitment to the Court and for the support of the United Nations. I would like also to recognize the contributions during their tenures by two officials who will leave their respective posts, Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, and Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping.

Third, diplomatic and public support will increasingly be needed. Each statement of support for the Court – by States, by NGOs, by the General Assembly, by the Security Council – helps to promote cooperation with the Court and compliance with judicial decisions. The more difficult the circumstances, the more important the support.

Fourth and most fundamentally, states, international organizations and civil society must continue to respect, to uphold and to defend the Court's independent, judicial mandate. The effectiveness of the International Criminal Court depends on its credibility as a non-political institution. Any efforts to instrumentalize the Court for political purposes must be rejected. Any temptation to subject the application of the Rome Statute to non-judicial considerations must be resisted. There is only one International Criminal Court. Its credibility cannot be traded away for reasons of political expediency without suffering the costs.

The Rome Statute is not just an international treaty. It is a manifestation of the fundamental principles that serious crimes cannot go unpunished, that victims deserve recourse through the law and that peace and security require justice. These are not new ideas. They can all be traced back to the aims, purposes and principles of the United Nations. What is new is the existence of a permanent international institution to achieve these aims - to punish individuals for their crimes, to provide a voice to victims, and to dispense justice fairly, impartially and independently.

In the years leading up to 1998 there was never any certainty that the International Criminal Court would be created. It took the tireless efforts and dedication of thousands to make the adoption of the Rome Statute a reality. As the Rome Conference recedes further into memory, we must maintain the momentum which led to the Court's creation. We owe it to those who worked so hard for the Rome Statute. We owe it to those whose hopes for justice have been raised by its adoption. And we owe it to the present and future generations for whose sake the Court was created.

Mr. Luis Moreno-Ocampo*

I would like to join the President of the Court, Philippe Kirsch, in thanking the Assembly of State Parties and Ambassador Wenaweser, for having organized this event, as well as the United Nations for hosting this 10 year Anniversary celebration.

In Rome in 1998, countries presented their commitment to justice as a contribution to the promotion of international peace and security. The South African Minister of Justice stressed that the establishment of the Court “would ultimately contribute to the attainment of international peace.” The Brazilian Representative explained that “The establishment of an International Criminal Court represents not only a milestone in the development of international criminal law but also a powerful instrument of preventive diplomacy,” adding “we should not miss this opportunity”.

The Rome treaty provided an independent and permanent justice component to the world efforts to achieve peace and security. As United Nations Secretary-General Ban Ki-moon stated in 2007, “The rule of law is a fundamental principle on which the United Nations was established. The United Nations goal continues to be a community of nations operating according to rules that promote human rights, human dignity and the settlement of international disputes through peaceful means. International criminal justice, a concept based on the premise that the achievement of justice provides a firmer foundation for lasting peace, has become a defining aspect of the work of the Organization”.

As the Secretary-General said, Nations have to operate in accordance with the law. The law is not just for the Courtroom. The law expresses what is right and what is wrong for a community, in this case for a global community. 10 years ago more than 100 States decided that ending impunity is the right answer to prevent the most serious crimes. And 3 years ago the United Nations Security Council affirmed that justice and accountability are critical to achieve lasting peace and security in Darfur.

Humanity is learning. After the Holocaust, the atrocities of the Khmer Rouge, and the Rwanda genocide, as the Secretary General said, we are contributing to the creation of a global community based on respect for the law.

Is it easy? No. There are tensions when we open investigations, when we request arrest warrants. There are tensions in the Courtroom and tensions on the field. Presidents and ministers have to show leadership and adjust to a new legal framework. It is not easy.

But it is necessary.

In Rome, the European Union Representative said “if we can agree to establish a truly effective, permanent Court we will have made the world a more just, safer and more peaceful place. More just, because perpetrators of atrocities will not go unpunished; safer, because it will deter those who might otherwise act with impunity; and more peaceful, because the knowledge that justice is being done may help the victims to put the past behind them and encourage all the parties to participate in a process of reconciliation... We stand on the brink of an historic achievement... Let us now seize the opportunity that history has given to us, and make the court a reality”.

In New York, today, we can state: The Court is now a reality. Let us seize this new opportunity.

* *Prosecutor of the International Criminal Court.*

I have the privilege to be the Prosecutor of the International Criminal Court. I have the enormous responsibility to select the situations where the Court would intervene. This was seen in Rome as the most sensitive of issues. I independently selected the gravest situations under our jurisdiction, where there were no national proceedings. Selection of situations is, at the end of the day, straightforward. I have to apply the law. Nothing more. Nothing less. That is what we did and what we will continue to do.

We are investigating those most responsible for the most serious crimes. We have to do it during ongoing conflicts, when no national Court can investigate. We have to transform massive crimes with thousand of victims and perpetrators into clear cases. Protecting the witnesses and fully respecting the rights of the accused.

We are prosecuting Thomas Lubanga for recruiting child soldiers and transforming them into killers.

We are prosecuting Joseph Kony and other leaders of the Lord's Resistance Army for killing entire communities, raping and abducting children and transforming them into sexual slaves and killers.

We are prosecuting Germain Katanga and Matthew Ngudjolo for killing and raping civilians.

We are prosecuting Jean-Pierre Bemba, for a campaign of rapes and pillaging.

We are prosecuting Ahmed Harun and Ali Kushayb for massive killings, rapes and tortures of civilians in villages.

We have requested an arrest warrant against Omar Al Bashir for genocide, crimes against humanity and war crimes. We allege that he is committing genocide by attrition.

We are also showing how the complementarity system can work in practice in different countries, but in particular in Colombia.

The Court is building the foundations of an international criminal system for the entire world and for the next centuries.

- Victims are participating at all stages, with the right to send information to the Prosecutor to form the basis of the opening of an investigation, and the right to present their views and concerns during proceedings; last week, the Appeal Chamber decided that they could also in some particular cases present evidence. They will benefit from a comprehensive system of reparations.
- Witnesses and victims are protected in accordance with statutory requirements; it is a key part of the fair trial concept; and one of the most serious challenges we are faced with. Over the last four years, no International Criminal Court witnesses or staff have been wounded or killed. It must remain so.
- Procedures to respect the confidentiality required by providers of information to protect the security of their staff and procedures to disclose all the relevant information of exculpatory nature to the defence are being harmonized.

On this, we are extremely thankful to the United Nations and especially to the Legal Advisor Nicholas Michel for their efforts to find solutions to the particular situation of the Lubanga trial. Last Friday, my Office transmitted to the Trial Chamber a letter from the United Nations that offered to meet all the conditions requested by the judges to proceed with the trial. The decision now rests with the judges. I am hopeful that after a proper evaluation of the documents there will be justice for Lubanga's victims.

But whatever happens, the Lubanga case demonstrates the Court's attachment to fair trial. Fair trials are the cornerstone of our legitimacy. Nothing is more important for a Court of justice.

As the President of the Court explained, we are transforming the Rome Statute from a document into a living system.

The system created in Rome is in motion. In the courtroom and beyond. As I said the law expresses what is right and what is wrong for a community. The law is not just for the judges, the law clarifies what people should do. A ruling of the International Criminal Court will reverberate on at least 106 states and citizens all over the world. The Rome Statute applies also to political leaders working to seek solutions to international conflicts, military actors, diplomats, and negotiators. They have to adjust. As the Prosecutor my duty is to present evidence to the judges and they will decide on the merits of such evidence. I will apply the law without political considerations and I should not adjust to political considerations.

To facilitate other actors to adjust to the legal framework, I offer as much clarity and predictability as possible. I made public my prosecutorial strategy, including the focus on those most responsible and the number of cases and investigations that my Office foresaw. In the Darfur case I announced my next steps in my briefings to the Security Council. For instance, in December 2007 I informed the Council about the preparation and the focus of the second case which I just presented three days ago to the judges.

There are significant achievements in the implementation of the Rome Statute by different actors. Armies around the world, even from non signatory countries, are adjusting their regulations to what is right, avoiding the possibility of their personnel committing acts that would fall under the Court's jurisdiction. This is the way to stop crimes. The law makes the difference between a soldier or a terrorist, a policeman or a criminal.

The ability of States Parties to arrest individuals was also remarkable. Democratic Republic of the Congo and Belgium implemented immediately the mandate of arrest issued by the judges, showing the Rome System in operation.

We can do more to arrest the individuals that are enjoying military or political protection. The difficulties can not lead us to change the content of the law and our commitment to implement it.

The case of Joseph Kony is an example of what we cannot do. Kony uses the time and the resources of the Juba talks to promote his criminal goals. He is now inflicting violence on a new generation of victims and threatening the stability of Southern Sudan. How many times will Kony, charged with crimes against humanity and war crimes, use negotiations to regain power and attack again? We need a different strategy including cutting financial and arms supply networks and promoting defections from the Lord's Resistance Army.

We have to update and harmonize old conflict management strategies with the new framework created by the Rome Statute. International justice, national justice, the search for the truth, peace negotiations can and must work together; they are not exclusive of each other; they must be integrated.

Conflict managers have to respect the new legal framework; judges' decisions cannot be ignored. No negotiator may overturn judges' decisions. Once the judges have issued an arrest warrant, the issue is not if indictees should be arrested. But how and when.

The biggest challenges are yet to come. In Darfur, I requested an arrest warrant against President Al Bashir. According to our evidence 2.5 million persons, including a substantial part of the Fur, Masalit and Zaghawa ethnic groups, are today submitted to serious bodily and mental harm and to conditions of life calculated to bring about their physical destruction. They are surviving because the United Nations and other humanitarian organizations are providing assistance. Al Bashir is providing no meaningful assistance to them; on the contrary his agents are blocking humanitarian assistance and promoting insecurity in the camps. Al Bashir's forces rape girls and woman each day in and around the camps.

Al Bashir has all the rights to submit his legal observations to the Court.

The decision rests with the judges.

My request is that the Sudan itself must implement the Court's decisions. If it refuses, regional organizations have a big responsibility in finding solutions. I have visited African and Arab countries in the recent months explaining the focus of my investigation. They are tired of double standards; justice for my enemies; protection for my friends; justice for the weak; impunity for the powerful. This is an opportunity to establish the same standards of justice, for all. This can be our contribution. When we have jurisdiction, we investigate and prosecute, applying to all the same standards. There are no Governments and no rebels in the Court, they are no victors and vanquished in the Court, there are no friends and enemies. There is one law, applying to all.

The International Criminal Court represents a unique opportunity for the world to come together. To protect each citizen of the world. As the South African Minister of Justice said "to contribute to the attainment of international peace."

I know there are skeptics. It is impossible. Or people are saying: What can I do?

Each of us has a role to play. Judges and Prosecutors, States and international organizations will not be enough; we need global citizens to create a global community.

Citizens that understand the contemporary meaning of the word "community". In the 21st century my community is my neighborhood, my city, my country, my region and my world.

Individuals will make the difference.

Human rights defenders, victims daring to speak up.

Young diplomats adding that one extra bullet point in the "talking points" they submit to Ministers for their bilateral meetings.

And the Ministers deciding, one day, in Copenhagen, in San José, in Tokyo, in Dakar, to actually read the bullet point. Just a reminder to their interlocutors that the world is not looking away.

Individuals have always made the difference.

Let me conclude by recalling the power of one citizen: Rafael Lemkin. He was just a citizen. A citizen who decided to do something.

He gave himself a mission: "my basic mission in life is to create a law among nations for the protection of national, racial and religious groups from destruction." He worked tirelessly to promote a Treaty prohibiting the crime of Genocide. He sent thousands of handwritten letters to Ambassadors. He said, and I quote him, "I learned to love the obstacles by making them a test of my moral strength."

And you know what?

Lemkin succeeded.

The Genocide Convention was signed in 1948. Lemkin succeeded.

The Rome Treaty, creating a permanent court to prosecute genocide was approved in 1998. 10 years later the Court is in motion. Lemkin succeeded. Humanity can learn.

Madame Simone Veil*

Dix ans après son adoption, le Statut de Rome demeure porteur de promesses pour des centaines de milliers de victimes, et de menaces pour leurs bourreaux.

Certains peuvent s'étonner de la lenteur des procédures judiciaires, et s'interroger sur les difficultés d'interprétation que posent le Statut de Rome et le Règlement de procédure et de preuve. Il convient sans doute, à cet égard, de rappeler la véritable dimension du Statut de Rome : il n'a pas créé seulement une juridiction pénale internationale permanente et à vocation universelle ; il a non seulement mis en place un système global de justice pénale internationale intégrant les systèmes judiciaires nationaux, mais aussi et surtout, il a donné aux victimes la place qui doit leur revenir dans le procès et en dehors de celui-ci, grâce à l'intervention du Fonds au profit des victimes. Le fonctionnement d'un système aussi ambitieux demandera du temps, des ajustements, des tâtonnements inévitables.

Beaucoup a été fait déjà, mais le plus difficile doit encore être réalisé: dans le respect du droit de chacun à un procès équitable, la Cour doit juger ceux qu'elle poursuit sans relâche, mais nous devons aussi répondre aux besoins des victimes des crimes les plus graves, faute de quoi la justice demeurerait incomplète.

Je souhaite rappeler le témoignage poignant d'une de ces trop nombreuses victimes, celui de Mme Esther Mujawayo. J'ai en mémoire notre rencontre, très émouvante, et ses mots pour dénoncer en particulier l'indifférence de la justice internationale à l'égard des victimes. Elle parlait de la profonde injustice dont étaient encore victimes les femmes rescapées qui avaient été violées, étaient désormais atteintes du sida, mais n'avaient pas accès aux soins, pendant que leurs agresseurs bénéficiaient de traitements médicaux dans les cellules du centre pénitentiaire dépendant des Nations Unies : « ils sont soignés par la communauté internationale. Et leurs victimes, qui viennent témoigner aux procès, n'ont aucun droit. Juste celui de mourir. Quelle est cette justice ? ».

Les pays fondateurs du Statut de Rome ont su tirer les leçons des erreurs passées, et l'appui que le Fonds au profit des victimes reçoit de vous, en témoigne de façon bien concrète.

Je souhaite rappeler le rôle fondamental et innovateur que le Fonds au profit des victimes est appelé à jouer. C'est une partie intégrante du Statut de Rome, son sort est intrinsèquement lié à celui de la Cour, et cependant sa mission est tout à fait particulière : il ne vise pas seulement à faciliter le versement aux victimes des réparations ordonnées par la Cour, mais aussi à mettre en œuvre des projets en faveur de victimes de crimes reconnus comme entrant dans la compétence de la Cour, sans que ces victimes soient nécessairement parties dans l'une des procédures engagées devant la Cour.

Il s'agit là d'une avancée tout à fait remarquable dans la prise en considération des besoins des victimes, qui ne peuvent être comblés par les seuls jugements prononcés par la Cour à l'encontre des responsables des crimes les plus graves.

* Déclaration lue par M. André Laperrière, au nom de Madame Simone Veil, Présidente du Conseil de direction du Fonds au profit des victimes.

Il est évident que le Fonds ne pourra pas compenser intégralement les centaines de milliers de victimes de tels crimes et réparer personnellement toutes leurs souffrances. Mais par des actions concrètes en faveur des groupes de victimes les plus vulnérables, en leur apportant une assistance matérielle, les moyens d'une réadaptation physique ainsi que le cas échéant un soutien psychologique, ou encore en les aidant à réintégrer leur communauté d'origine, le Fonds apporte aux victimes la preuve que le Statut de Rome n'a pas pour seule mission la poursuite des criminels et leur condamnation mais également celle d'aider concrètement les victimes à reconstruire leur existence.

A ce jour, 18 projets situés en Ouganda et 16 concernant la République démocratique du Congo ont été validés par les juges de la Cour, projets devant bénéficier à des centaines de milliers de victimes qui autrement auraient pu demeurer dans l'oubli, comme nous avons trop souvent constaté dans le passé. Au moment où je vous adresse ces quelques mots, grâce aux actions du Fonds sur le terrain, un nombre croissant de victimes mutilées, humiliées, diminuées ont retrouvé une apparence normale, une fonctionnalité physique et psychologique qui leur a permis de reprendre leur place dans la société et de retrouver la dignité qu'on a voulu leur enlever à travers les crimes horribles qu'ils ont subi.

Il s'agit là d'un début remarquable, et tout sera mis en œuvre pour que le Fonds au profit des victimes puisse développer de plus en plus, et de mieux en mieux sa délicate mission aussi longtemps que des populations seront victimes de ces exactions.

Je crois utile de souligner que le Fonds est soumis à plusieurs exigences : exigences juridiques : il ne doit pas, par les actions qu'il met en place, interférer dans le travail judiciaire de la Cour ; exigences d'équité : il ne doit pas favoriser un groupe de victimes par rapport à un autre ; exigences administratives : il doit répondre devant vous d'une saine gestion des fonds que vous avez bien voulu lui confier pour le bénéfice des victimes. Comme vous le savez, les ressources du Fonds reposent essentiellement sur les contributions volontaires des États, sans lesquelles rien ne serait possible.

En ce sens, permettez-moi de saisir cette occasion pour vous inviter à poursuivre votre engagement en faveur du Fonds, engagement pour lequel nous félicitons tant ceux qui nous ont appuyé jusqu'ici, et par anticipation, tous ceux qui ont l'intention de le faire dans le futur.

Je voudrais également remercier le personnel du Secrétariat pour son dévouement, et le Greffe pour son support administratif. Je ne pourrais non plus oublier le rôle important joué par les ONGs à travers leur appui technique et leur plaidoyer en faveur des victimes.

Finalement, je profite de cette journée bien spéciale pour féliciter S.E. Arthur Robinson, que nous avons l'honneur de compter parmi les membres du Comité de Direction du Fonds au Profit des Victimes, pour son engagement sans limite pour les droits de l'homme, la justice et les victimes. La reconnaissance qui lui est accordée aujourd'hui est assurément bien méritée.

Il appartient maintenant au Fonds au profit des Victimes, que j'ai l'honneur de présider, de tirer toutes les conséquences de la mission qui lui est confiée.

Forts de votre appui, nous entendons mettre tout en œuvre pour continuer d'aider les victimes les plus vulnérables, en coordonnant nos initiatives aux décisions prises par la Cour, conformément aux dispositions du Statut de Rome, et aux aspirations de ses auteurs: une justice complète et universelle.

Ms. Ruth Wijdenbosch*

It is a great honor for me to have received an invitation to address this distinguished audience on behalf of The National Assembly of the Republic of Suriname and Parliamentarians of Global Action (PGA), a network of members of Parliament from 123 countries from all regions of the world.

Since 1998, every July 17th has been a day of celebration for our Organization, but to stand before you, for the first time as a Member of Parliament representing a State Party is a matter of profound joy to me.

I entered politics in 1987 with the high priority to work together with other Members of Parliament to restore the Rule of Law and democracy in my country after very difficult years of military dictatorship.

In 1992, I was appointed by the President of the Republic of Suriname as convener for Human Right Issues, acting as intermediary between the President and the family of the murdered civilians during the dictatorship.

In that capacity and as a human right activist I supported every effort to investigate and bring to justice the perpetrators of the crimes against humanity that had occurred during that time. But, that was not enough.

We are still confronted on almost a daily basis with the most serious crimes threatening peace, security and the well-being of the world.

Suriname and the rest of the world are in great need of an independent, permanent, non political Court of the magnitude of the International Criminal Court to protect individuals and groups if the national judicial systems are not able to willing to do so.

During my ten years of campaigning for Suriname with the assistance of PGA to ratify the Rome Statute we were confronted with legislation and policies that the United States adopted in 2002 imposing “sanctions” against nations joining the Rome Statute without entering into a Bilateral Non Surrender Agreement with the United States. We, members of Parliament from the Opposition and the Government, together with our colleagues from Trinidad and Tobago, Barbados, Bolivia, Brazil, Costa Rica, Ecuador, Mexico, Paraguay, Peru, Uruguay, Kenya, Mali, Niger, South Africa, Tanzania, and Samoa effectively opposed such an agreement on the basis that it would have undermined the goal of fighting impunity and the principle of equality of all before the law upon which the International Criminal Court had been built.

I am, therefore, very satisfied that our principled position to protect the integrity of the Rome Statute, among other factors, such as the European Union firm support of the International Criminal Court, gave a decisive contribution to the United States Congress and Administration’s decision to substantially modify their legislation and policies with respect to the decision of their partners to participate in the International Criminal Court systems.

Today is a day of celebration for my country since we are the 107th State Party of the Rome Statute. It is a day of celebration for the world community for having an institution like the International Criminal Court which applies principles that can build, at both domestic or international level, interactions between individuals, institutions and nations based on the Rule of Law.

* *Member of Parliament of Suriname, Parliamentarians for Global Action.*

We are aware that there are many challenges ahead for the International Criminal Court. As a parliamentarian I do support straight-talk. We know that some are of the opinion that arrest warrants issued by the Prosecutor might jeopardize or bring harm to the outcome of the peace process.

But let it be clear that we, as States Parties committed ourselves to an independent International Criminal Court with precise obligations, and we must now give the Prosecutor our full support to do whatever is lawfully needed to bring justice to those victims who put their life in our hands.

The *Milosevic* and *Charles Taylor* cases have proven that “postponing justice” is detrimental to peace and that affirming the notion of individual criminal responsibility is conducive to sustainable peace based on universal human rights, including the right to justice. In our understanding of the applicable law of the Rome Statute, the right timing for an arrest warrant is whenever the evidence is available to prosecute, to search for the truth and to prepare for a fair trial.

The Statute applies today to the territories of 107 countries and their nationals. In one case Darfur/Sudan, the Statute is binding on a non-State Party, as a consequence the United Nations Security Council’s decision that the situation in Darfur constitutes a threat to international peace, which allows the Council to utilize its Chapter VII powers to trigger the Court jurisdiction. In another situation, Côte d’Ivoire, thanks to the mobilization of Parliamentarians, a non-State Party accepted the jurisdiction of the Court for crimes allegedly committed in the 2002-2007 internal armed conflict.

In the meantime, the Court that has already had an important impact in deterring the commission of atrocities by changing the behaviour of those who make decisions, as we in PGA had the possibility to know through communications from policy makers. In some countries, civil and military authorities reviewed the rules of engagement of the arm forces to comply with the Rome Statute standards. In many countries, the message that now there is a permanent Court with jurisdiction over the most serious of international concern was well understood and helped mitigate the scale of violence, as it happened in Kenya in January 2008 and in Côte d’Ivoire in mid-November 2004.

But in order to give to the Court its full potential to meet its mandate, I therefore appeal to the 85 United Nations member States, including 40 signatories of the Rome Statute, that have not joined it yet to do so, in order to strengthen the universality and effectiveness of the new system of international criminal justice.

Parliamentarians for Global Action is deeply indebted with one Statesman of my region, the Caribbean, more than with any other of its Members from the very first day in which the establishment of a permanent International Criminal Court became a political priority in the agenda of our global network. This Statesman is Mr. Arthur N.R. Robinson of Trinidad and Tobago, the member of the PGA Board in the late 1980ties who created the International Law and Human Rights Programme and the International Criminal Court Campaign of our network in 1989.

Mr. Robinson, you inspired all of us with your commitment and determination, and we are here to continue the cause for human rights and justice that you brought to the inter-parliamentary and inter-governmental dimensions and that is still uniting us, today.

As I said in my presentation on the 6th of June during the Paramaribo Regional Parliamentary Seminar on the International Criminal Court to my dear colleagues of Parliamentarians for Global Action from the Americas and the Caribbean:

“When on July 17th Suriname will celebrate the 10th Anniversary of the Rome Statute, you will be able to say to your constituents, friends and family: I have been in the 107th State Party of the Rome Statute!

Today, that promise has been fulfilled: Suriname was not in Rome in 1998, but in 2008 the Rome Statute is in Suriname, with full force of law.

Mr. Bill Pace*

Throughout the world the Coalition and governments are hosting celebrations of the 10th anniversary of the Rome Statute of the International Criminal Court. Earlier today, in South Africa, Judge Navi Pillay, Deputy Prosecutor Fatou Bensuda, Archbishop Desmond Tutu are among the keynote speakers; but other celebrations are being held in Iran, Benin, Indonesia, Guatemala, Moldova, India, Ukraine, Nigeria; last week at the Peace Palace. Most of us who were in Rome on Friday evening July 17, 1998 for the UNGA International Criminal Court treaty conference will, I believe, never experience another moment like that in our lives. I have never seen such an outbreak of emotion and celebration in any intergovernmental conference. We knew the moment the treaty was adopted that we were simultaneously making and challenging history.

Nothing in the last ten years has clouded this judgment. I believe today it was as important and historic an achievement as on that extraordinary tension-filled day. In fact, if anything, it seems more of a miracle now than it did then. The dreadful geopolitical developments of the last 8 years mean so many things, but also that had the Statute not been adopted in Rome, there would still be no treaty, no International Criminal Court.

I believe history will greatly honor the gift to peace bestowed by the extraordinary assemblage of world lawmakers – from governments, international organizations and civil society. This was equal to ten thousand “Agincourts” or “world cups” and we must not shy from the achievement... or the responsibility.

I am honored to speak on behalf of the NGO Coalition for the International Criminal Court (CICC) which has proven to be one of the most successful civil society networks and campaigns in the world. The Coalition has worked closely through its then 800, now more than 2500 worldwide NGO member organizations, and with like-minded governments, international and regional organizations, the United Nations system, parliamentarians and the media at every stage of the process to secure the treaty and establish the International Criminal Court.

In my spoken and written statement, at the end of this morning’s celebration, I will comment on the extraordinary achievement the Rome Statute represents, and on future issues and challenges. In my brief talk I can only address a few issues, thus I would like to mention the considerable and crucial unfinished business of the Assembly of States Parties, foremost among which, in my mind, are complementarity and cooperation, with special note of the cooperation issues between the International Criminal Court and the United Nations; also the continuing need to press for universality in ratification and in national implementation laws; and finally to take note of the interdependence of the Rome Statute, the International Criminal Court and other peace tools and initiatives.

Rome Statute, human security, international democracy, unique intergovernmental initiative. Like other ‘human security’ initiatives since the end of the Cold War, the Rome Statute was an achievement of a powerful new geopolitical manifestation– small and middle power democracies from all regions and legal systems working in an informal partnership with global civil society organizations from the South and North to create new international laws and organizations which have the authority and resources to address root-cause global challenges. The vision is to establish new laws that have a chance of succeeding, and then convincing the big powers, authoritarian and others resistant governments to join. The Rome

* *Convenor of the NGO Coalition for the International Criminal Court.*

Statute and the International Criminal Court are a preeminent example of this new, more democratic approach to global governance.

Unfinished business. The astounding success of adopting the Rome Statute at the conclusion of the 1998 five-week conference and securing 60 ratifications in less than four years – at least a decade faster than expected - resulted in the entry into force of the Rome Statute before the governments had completed their preparatory work. This ‘omission’ should be understood, however, in the context that had the treaty not been adopted and ratified when it was, almost no one believes we would be here today, that is, there would still not be a treaty or International Criminal Court. Unfortunately, the new Assembly for State Parties reduced the 6-8 weeks of preparatory meetings to one week beginning in 2003 – now up to two weeks. But, I believe, two to four years of work were left unfinished.

Cooperation, mainstreaming, complementarity, promoting universality. The list of unfinished business of the Assembly of States Parties is very long, but I would like to emphasize four aspects as crucial future challenges: cooperation, mainstreaming, complementarity, promoting universality.

Cooperation. The International Criminal Court cannot succeed without crucial cooperation by States and international organizations. Since an earlier panel, including my colleague Richard Dicker from Human Rights Watch, addressed directly this issue I will just reiterate that from the excellent Report on Cooperation adopted by the last Assembly of States Parties, there are 31 recommendations from seven clusters relating to cooperation between State Parties and the Court, and 35 recommendations relating to cooperation between the International Criminal Court and the United Nations and State Parties in the United Nations context that need to be implemented.¹ These will require years of Assembly of States Parties, United Nations, bilateral, and multilateral negotiations and efforts. Years!

Mainstreaming. The International Criminal Court has been overly restricted to the legal offices of foreign ministries and must be mainstreamed throughout governments. It is therefore important to establish networks that allow for sharing of information and knowledge and that would generate the capacity to respond to concrete needs, for instance, in terms of requests for cooperation. In this regard, the Assembly of States Parties has recommended that States Parties establish some form of coordinating structure tasked with resolving conflicts between different national entities stemming from incongruent priorities and interests. The Belgium government recently described their ‘task force’ approach allowing the rapid response to a recent arrest warrant by the International Criminal Court. Similarly, mainstreaming the Rome Statute within State party political goals for their work in regional and international organizations will dramatically improve support for the Rome Statute system and the International Criminal Court.

Complementarity. Complementarity is the fundamental basis of the new system of international criminal justice instituted by the Rome Statute. It is built upon the principle that the most serious crimes must not go unpunished and that the investigation and prosecution of such crimes is a duty, in the first place, of all States through their national legal systems, and, if they fail or are unable to do so, the international community and International Criminal Court must assume responsibility. The full implementation of this principle is the most important challenge of the Rome Statute system. Much, much more work remains to be done by governments and others to fully define and operationalise complementarity. In a very significant development, while the Rome Statute establishes individual accountability for war

¹ Report of the Bureau on cooperation, (ICC-ASP/6/21), dated 19 October 2007.

crimes, genocide and crimes against humanity, the heads of governments in the 2005 United Nations reform summit, all agreed to a new doctrine of state and international community responsibility for the same crimes, called Responsibility to Protect.

Even in the cases where the Court is active, it only targets in its investigations and prosecutions those individuals who bear the gravest responsibility for the crimes committed in a situation. Therefore, unless due action is taken by the national judiciary systems, a major impunity gap of the middle and lower ranking perpetrators will not be closed.

Further, the responsibility does not only fall on the national judiciary; implementing the principle of complementarity is an ambitious task that requires resources and mechanisms often not available to those states suffering from wars and conflicts. The international community thus has an important challenge in ensuring that other efforts that compliment the Rome Statute system are put in place: trials, transitional justice mechanisms, justice rapid response, universal jurisdiction, etc.

Universality and Implementation. The Assembly of States Parties recognized that universal ratification and full implementation of the Rome Statute of the International Criminal Court are imperative if we are to achieve justice and to be successful in the fight against impunity. The record of ratification has been phenomenal, 100 States ratifying and 40 more signing the Rome Statute in seven years, but there is still a lot to do in promoting universal adherence to the Rome Statute and its full implementation by States Parties. The full scale ‘war’ waged against the Rome Statute and International Criminal Court by one major power has failed, and the prospects for a formal and constructive change in policy by that government during the next two years are very positive. However, achieving ratification by resisting major powers and many undemocratic and oppressive governments will require years of coordinated efforts by States and the CICC.

Interdependence of Peace Tools. A further challenge I wish to raise relates to the interdependence of the so-called peace toolbox, especially those major advances occurring since the end of the Cold War. In the last two years much has been written and spoken about an alleged conflict between peace-making and justice, which the last two Secretary-Generals and others have accurately described as a false dichotomy. Since 1991, major advances and improvements have occurred in peacekeeping, in peace enforcement, in good offices, quiet diplomacy, peace-making, in more humane and effective sanctions, in regional organization peace initiatives and capacity, in peacebuilding, in many, many areas, including of course, in international justice. I, as you might guess, believe international justice is a preminent achievement as it offers ‘root-cause’ relief across the entire peace and security spectrum – prevention, deterrence, cessation of conflict, peace-building and reconciliation.

Incidentally, three weeks ago, Costa Rica demonstrated another crucial aspect of the reforms in applying the Rome Statute, in this case, in advancing the working methods of the Security Council.

Pitting different peace tools against each other is precisely the opposite way governments and international organization officials should proceed. As with the Rome Statute cooperation spectrum, it will take years to learn how to best coordinate and orchestrate the application of these enhanced tools for peace. Also, presuming (as many United Nations officials believe) the proponents of different tools, like the International Criminal Court, do not understand the full context is inaccurate and insulting. It is not the “tools” that must coordinate, but the Security Council, Secretariat and other relevant actors that must coordinate the tools. Will mistakes in coordination and application occur? Of course; but, we are in a very different world today than even 20 years ago.

Let me conclude with three points:

First, the Review Conference of the Rome Statute to be held in 2010 is the framework in which many of these issues should be raised and in which processes for addressing these challenges should be adopted. Advancing, if not concluding negotiations on the definition and jurisdiction of the crime of aggression is illustrative of the seriousness of the framework of the Rome Statute and this upcoming conference.

There is a way forward; all these challenges can be addressed, a good opportunity for doing so is the upcoming Review Conference of the Rome Statute to take place during the first semester of 2010.

The Review Conference should serve as an opportunity to reconfirm the principles enshrined by the Rome Statute. Thus in addition to discussions on broadly-supported amendments to the Statute, the Review Conference should allow for reflection on the performance to date of the system as established by the Rome Statute. States Parties should take the Conference as an opportunity to evaluate not only the work of the Court but also how States Parties, other States, international organizations and, as appropriate, other actors are implementing their obligations and/or commitments vis-à-vis the Statute and find solutions to improve the Rome Statute System.

In this regard, the Review Conference should include a high-level segment which can set the tone of the Conference by having a political debate on the impact of the Rome Statute System.

Furthermore, adequate stocktaking and benchmarking mechanisms should be established at the Review Conference in order for States Parties to discuss and make commitments on issues such as cooperation, implementing legislation, complementarity and impunity gap. Also, the impact that international criminal justice has had on national prosecutions and the affected communities, including peace processes and peace building (perception, deterrent effect), among other areas, could be considered.

Second, the Assembly of States Parties is controlled by the small and middle power democracies. As the European Union, African Union, CANZ, and South American and similar processes demonstrate, the potential to impact and promote regional and democratic global governance and law by these nations is immense...immense! The seven or eight year "pause" due to September 11 must end!

Essentially, the Rome Statute is ten years old, but the Court is only six and really four years old. The capacity of the democratic 'like-minded' countries to continue to shape this historic new system of international criminal justice, this new international legal order, is unprecedented. It is the advancement of a dream, I truly believe, of the Einsteins' and Gandhis' whose aspirations for humanity, and a world beyond war, that should not be underestimated. The Rome Statute and the International Criminal Court are arguably the biggest steps taken by governments to achieve the United Nations Charter's first preambular goal since 1945.

Third, the International Criminal Court and globalization: Globalization is almost always framed in terms of economics and finance, and information. But, in truth, there has been a globalization of democracy, human rights, the rule and law, and justice in this last century. I would argue that these aspects of globalization are also foundations for the other forms. That heads of governments endorsed by consensus the principle of a United Nations of three pillars: peace and security, development, and human rights at the 2005 summit. Mr. Ban, in his tribute to Kofi Annan, stressed the indissoluble links uniting security, development

and human rights as the three pillars of the United Nations, without any one of which world peace will not be achieved.

Our fate, the fate of peace and justice and human rights are not written in the stars. The major powers and other governments squandered much of the great potential of the end of the Cold War. July 17 1998 however, is one of the great dates in the history of international law and peace.

Mr. Secretary-General, colleagues, Excellencies, this room, the Trusteeship Council, is the right room for this convocation – we are all “trustees” of the promise of the United Nations Charter Preamble and of the Rome Statute of the International Criminal Court. We must succeed!

Might some future Bard recite:
From this day to the ending of the world,
But we in it shall be remember'd;
We few, we happy few, we band of ...lawmakers.²

² Adapted from Shakespeare's Henry V.

PROGRAMME

Programme

11:15 am – 1:00 pm

Trusteeship Council Chamber

Informal meeting of States Parties to the Rome Statute (public meeting)

Opening remarks:

- H.E. Mr. Bruno Stagno, President of the Assembly of States Parties

Addresses by:

- H.E. Mr. Ban Ki-moon, Secretary-General of the United Nations
- Mr. Philippe Kirsch, President of the International Criminal Court
- Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court
- Mr. André Laperrière, Executive Director of the Trust Fund for Victims
- Ms. Ruth Wijdenbosch, Member of Parliament of Suriname, Parliamentarians for Global Action
- Mr. Bill Pace, Convenor of the NGO Coalition for the ICC

Award ceremony in recognition of the outstanding contribution of H.E. Mr. Arthur N.R. Robinson, former President of the Republic of Trinidad and Tobago, to the cause of international justice. Laudatio by Mr. Ben Ferencz.

3:00 pm – 5:00 pm

Trusteeship Council Chamber

Panel discussion (public meeting)

“International criminal justice ten years after Rome – prospects for the next decade”

Presentation:

- Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court

The discussion will be moderated by H.E. Ambassador Christian Wenaweser, President-elect of the Assembly of States Parties. Panelists will be:

- Mr. Nicolas Michel (Under-Secretary-General for Legal Affairs)
- H.E. Ambassador David Scheffer (Chief United States negotiator of the Rome Statute and Professor & Director of the Center for International Human Rights at Northwestern University School of Law)
- Mr. Richard Dicker (Human Rights Watch) and
- Ms. Niemat Ahmadi (Save Darfur Coalition).

5:00 pm – 6:00 pm

Dag Hammarskjöld Auditorium

Film preview (30 minutes) of “The Reckoning”

Samples from a documentary about the International Criminal Court produced by Skylight Pictures, which would be followed by a question and answer segment with the producers: Mr. Paco de Onís, Ms. Pamela Yates and Mr. Peter Kinoy. Introduction by H.E. Ambassador Frank Majoor (Permanent Representative of the Netherlands to the United Nations).
