



*Ministero della Giustizia*

INTERNATIONAL CRIMINAL COURT  
Plenary Session of the Review Conference  
31 May 2010 - Kampala (Uganda)

**CHECK AGAINST DELIVERY**

**Speech of the Italian Minister of Justice**

**H.E. Angelino ALFANO**

H.E. the President of Uganda,

Dear Colleagues

Ladies and Gentlemen,

I am very pleased to be here to convey to all of you the support of Italy for this Review Conference. But first I would like to address H.E. President Museveni, who is hosting us in Kampala, one of the most beautiful capital cities of Africa. I would like to warmly thank him for this conference, to bring him the best wishes of President Berlusconi, and to pass to Uganda the leading role in the fight against impunity and the support of the International Criminal Court (ICC).

Respect for human rights, international justice, relentless prosecution of crimes against humanity, the universality of the Rome Statute: these are the founding principles that today, symbolically are passing from Italy to Uganda, Africa, the continent with the largest number of State Parties.

In these first years of life of the International Criminal Court we succeeded in creating a new institution, which is now fully operational, with the approval of the International Community and the growing support of the United Nations. I would like to warmly salute the Secretary General, Ban Ki Moon, and thank him for attending this Conference. The Court was also able to spread and mobilise international awareness on the scourge of the crimes against humanity. Allow me also to thank President Song, his Vice-Presidents and Prosecutor Moreno Ocampo, who have been deeply involved in the ICC activities.

The creation in the 90s of the *ad hoc* Tribunals for former Yugoslavia and Rwanda, paved the way for the growing awareness within the international community about the necessity of an independent and impartial Criminal Court: a Court whose main goal is to punish the most gross violations of humanitarian law and help States to prosecute

perpetrators of the most atrocious crimes against humanity, such as genocide.

The recent new accessions to the ICC are a reason for great satisfaction: in this respect, I welcome the delegation of Bangladesh. I am confident that, with these new accessions the international trend towards globalization of the Rome Statute is gradually but surely consolidating. I would also like to acknowledge the presence here today of many important States as observers.

A historic supporter of the Court, Italy's commitment has not been limited to the institution of the Court in the 1998 Rome Conference. Today we are among the five largest contributors to the Court's budget; moreover, we are also providing the Court with the expertise of some of our most talented legal human resources.

While fully supporting the EU Spanish Presidency Declaration on the ICC, I am very pleased to announce here that Italy will take on three major pledges:

first – the creation of a focal point at the Ministry of Foreign Affairs;

second – the institution of a specialised liaison office with the ICC at the Ministry of Justice, which is already in an advanced stage of implementation;

third – the launch of informative seminars on ICC activities.

I wish to reiterate the commitment of the Italian government and my personal engagement, as Minister of Justice, to further enhance and implement our cooperation with ICC.

This first Review Conference in Kampala witnesses - in our view - a new phase in the consolidation of the ICC, which is now entering into its full maturity. We have to be aware that the strengthening of the ICC rests chiefly on our efforts and on the level of cooperation we are - and will be - prepared to grant in the future to the Hague Court. As a result of the Member States renewed commitment to the ICC, I am confident that the Court will gain in efficiency and effectiveness. A crucial role in the ICC future development will also be played by NGOs and the civil society, which historically have done so much for the creation of the Court.

Cooperation, complementarity, attention to victims and affected communities, the necessary link between peace and justice: these are the guiding topics of our stocktaking exercise and the key issues for the successful future activities of the ICC. This renewed commitment will - I'm

sure – fully also translate into a commonly agreed draft resolution, to be adopted unanimously.

We are all aware that many important countries are still not part of the ICC and may also be some time away from ratifying the treaty. But there is no doubt that they are following with great attention the ICC activities. The ICC has grown into a new instrument of the international community, acting as an ultimate judicial guarantee for all of us, and being particularly valuable for small countries.

While the larger countries usually have all the necessary legal and judicial tools, the Court has revealed itself particularly useful to tackle the difficulties and constraints of the least developed countries, helping them to become more autonomous and independent.

An open dialogue with the countries that have not ratified must also remain a top priority for all those interested in the development of the Court. The recent interest that a number of important countries have shown for the ICC as well as the policy shift of the new U.S. Obama administration shows the right way forward for the universalization of the Rome Statute.

It is also of high importance to devote renewed attention to the protection of the rights of the victims. Here the complementary principle has to apply. Whenever a State is unable or unwilling to proceed at national level, it is up to the International Criminal Court to take action. The Court intervention will prove to those communities, so cruelly affected, that impunity will not win. It is of fundamental importance to be able to restore the trust of our citizens. The International Criminal Court, seen as a last resort and the final line of defence of international law in the fight against impunity, further confirms the idea that, without justice, there can be no real peace and stability in this world.

International legal cooperation can play an important role to facilitate the proper balance between complementarity and the effective functioning of the Court. In this regard, I am pleased to recall the growing judicial cooperation between Italy and other friendly countries in Europe, in FYROM and Kosovo, in Asia, in Afghanistan, and also with some African countries, whose Ministers of Justice I recently had the honour to receive in Rome, during an event for the abolition of the death penalty.

This Conference will also examine the current proposed amendments to the Rome Statute, with particular reference to the crime of aggression, which, in our view, needs to be

determined as precisely as possible in order to ensure its effective and full implementation. On this issue, widely debated since the 1998 Rome Conference, it would be important to achieve tangible progress, while pursuing the goal of a consensual definition of the crime. Italy considers important and will participate constructively also in the examination of the other two proposed amendments, which refer to Art. 124 - on the temporary restriction on the jurisdiction of the Court - and to the prohibition of certain weapons in internal conflicts.

I am confident that, as we are still talking today of the Rome Statute and of the 1998 founding Conference, the Kampala meeting will mark a true milestone in the life of this institution. My hope is that all of us, Representative of States, of the Court and of Civil Society will, in 10 years' time, all remember the "*spirit of Kampala*" as a moment of fruitful consensus and renewed commitment for the balanced development and strengthening of the International Criminal Court.

Thank you for your attention.