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Press Conference

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PRESS CONFERENCE ON UPCOMING REVIEW OF INTERNATIONAL CRIMINAL COURT'S ROME STATUTE

The key goal of the upcoming Review Conference of the Rome Statute of the International Criminal Court was “to complete negotiations on defining individual responsibility for the crime of aggression”, William Pace, Convenor of the Coalition for the International Criminal Court, said today at a Headquarters press conference ahead of the Review slated for 31 May to 11 June in Kampala, Uganda.

The Review Conference was being held in accordance with the Court’s mandate to review its work seven years after the Rome Statute’s entry into force. Mr. Pace was joined today by Christian Wenaweser, President of States Parties to the International Criminal Court.

Addressing the structure of the Conference, Mr. Wenaweser noted that it would consider three amendments to the Statute, as well as perform a “stocktaking” assessment of the Court’s operational work since the Rome Statute entered into force. The first amendment to be addressed — submitted by Belgium — concerned changes to provisions on war crimes and an addition to a category of arms on the list of weapons prohibited for internal armed conflict. The remaining two amendments would address a possible change to the Rome Statute’s Article 124 — which allows for States to exempt themselves from the jurisdiction of the Court over war crimes for seven years -- and a renewed attempt to define crimes of aggression.

Extensive preparatory work on the issue, concluded over one year ago, had yielded a text that included a widely agreed upon definition. Yet, there was still no agreement on the Court’s exercise of jurisdiction, which should lead to an assessment of the role the Security Council should play in determining that an act of aggression had been committed, he said.

He explained that the stocktaking assessment would be take place in four half-day sessions and would address four significant political challenges: the impact of the Court’s work on victims in affected communities, the issue of peace and justice, the issue of complementarity — the role of national jurisdiction and the complementary nature of the Court to the national judiciary — and cooperation of States with the Court. Mr. Pace added that the cooperation of Governments and international organizations was fundamental, and that he hoped that the Conference would inspire Governments to make commitments on how to make complementarity work.

Indeed, resolutions were expected to be adopted on complementarity and victim issues, and an additional resolution might be adopted on the issue of cooperation, Mr. Wenaweser said. Additionally, a high-level declaration was anticipated, reaffirming the Rome Statute.

Concerning participation, he noted that the Secretary-General last year had extended invitations to Heads of State of both States parties and non-State parties to attend the Conference. The Secretary-General would also be attending the Conference on its opening day. It was hoped that his presence, as well as that of President Yoweri Kaguta Museveni of Uganda and former United Nations Secretary-General Kofi Annan, would inspire participation at senior political levels, particularly at the ministerial level.

So far, he said, 40 States had indicated their level of participation with half confirming involvement at a high political level.

Mr. Pace added that civil society would also be in attendance, and 600 of the current 2,500 non-governmental organizations within the Coalition had already registered. The level of

cooperation among Governments, the United Nations, international organizations and non-governmental organizations with regard to the Statute was “almost unprecedented”, he said.

In efforts to bring media attention to the “possibly historical” Conference, said Mr. Wenaweser, media outreach would take the form of press kits, consultations, press conferences, video conferences, television spots and live streaming of the Conference’s proceedings. In addition, outreach activities would be held in northern Uganda, an area deeply affected by the Lord’s Resistance Army.

Responding to questions concerning the Court’s inaction with regard to crimes committed in Sudan, Pakistan and Palestine, Mr. Pace noted that the Court could not act in countries that had not ratified the Statute. In the case of Sudan, the Security Council referred cases to the Court to investigate.

Concerning Palestine, Mr. Wenaweser said that, while the Palestinian Authority had turned to the Court for help, the question of whether Palestine was considered a State by status of international law was not for the Court to answer. The parties to the conflict — Israel and Hamas — had an obligation under the Statute to investigate crimes they had allegedly committed. The Court’s lack of jurisdiction in Pakistan also pointed to why it was important for as many States as possible to ratify the Statute. Wide ratification of the Statute was “the only way to ensure that there is universal justice”, he said.

Asked if there would be a reassessment at the Conference of the Court’s policy of indicting parties to the conflict in Sudan while the conflict was still taking place, Mr. Wenaweser replied that no reassessment would be made, given that the case had been referred by the Security Council. Mr. Pace added that the idea of pursuing justice after securing peace was “a short-sighted philosophy”. The victims themselves would surely not agree that the Court should not pursue justice for them while they were being victimized, he said.

As for the duration of the current Prosecutor’s term, Mr. Pace noted that a near-complete turnover in leadership of the Court was approaching. Next year, the General Assembly would be electing six new Judges, a new Chief Prosecutor, new deputies and other members of the Court, including the President and Vice-President. Given that, non-governmental organizations were anxious to heighten political attention on the Court and issues, which would require high-level attention.

In response to a question on how a compromise could be reached between the interests of States and the interests of justice, Mr. Pace clarified that the 111 States that had ratified the Statute would be held responsible for any crimes they might commit. In the case of non-State parties, the Security Council could refer cases to the Court. More focused efforts should be taken by the media to provide better understanding of the Rome Statute and the structure of the Court ahead of the Review Conference -- a possibly historical event.

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