

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Ten Years' Anniversary Celebration of the Adoption of the Rome Statute

Academy Hall, Peace Palace

3 July 2008

Remarks of Judge Philippe Kirsch
President of the International Criminal Court

Votre Altesse royale
Monsieur le Ministre,
Madame la Secrétaire d'État,
Excellences,
Mesdames, messieurs,

I. Introduction

Je souhaite remercier le Ministre des affaires étrangères du Royaume des Pays-Bas, l'ambassade de France, ainsi que la Coalition pour la Cour pénale internationale, pour avoir organisé cet événement et m'avoir invité à vous faire part de quelques observations.

Le soutien apporté par les Pays-Bas, tant en qualité d'État partie que d'État hôte, de même que par la France et par la Coalition pour la Cour pénale internationale, a joué un rôle crucial dans la création de la Cour et ses premières années d'existence. Sans votre appui, nous ne serions sans doute pas ici aujourd'hui.

Nous nous félicitons tous de ce dixième anniversaire de l'adoption du Statut de Rome. 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.

II. L'adoption du Statut de Rome

L'adoption du Statut de Rome a été un moment historique. Figurant à l'ordre du jour des Nations Unies depuis les années 40, la création de la CPI aura 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 les sociétés sortant d'un conflit ont éprouvé des difficultés à parvenir à la réconciliation.

La communauté internationale n'a pas perdu espoir : les États 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.

On a souvent dit que l'adoption du Statut de Rome constitue l'événement le plus important au regard du droit international depuis l'instauration du système international d'après-guerre en 1945. Et on comprend pourquoi : pour la première fois dans l'histoire de l'humanité, une cour internationale permanente a le pouvoir de juger des individus pour les crimes internationaux les plus graves. La CPI a une portée mondiale. Elle a compétence pour connaître des crimes commis sur le territoire des États parties ou par leurs ressortissants ainsi que pour être saisie de toute situation renvoyée par le Conseil de sécurité de l'ONU. Le Statut prive les chefs d'État et de gouvernement de toute immunité et entérine la responsabilité des chefs militaires

et autres supérieurs hiérarchiques. En bref, toute personne, quel que soit son statut, pourra être amenée à répondre de ses actes devant la CPI. Avec le soutien tangible et constant des États et des organisations internationales et non gouvernementales, la poursuite en justice des auteurs de tels crimes ne restera pas seulement une simple possibilité mais un fait inéluctable.

III. Developments since Rome

Excellencies,
Ladies and Gentlemen,

The adoption of the Rome Statute was the culmination of 50 years of efforts. But it was also just a beginning. Much more had to be done to make the promise of the Rome Statute a reality.

On the 1st of July 2002, the Statute entered into force, far earlier than expected. Today, 106 States have become Parties to the Statute.

Only a few months after the entry into force of the Statute, the first eighteen judges, the first Prosecutor and the first Registrar of the Court were elected. An entire organization had to be built from scratch. This was – and in some areas still is – an enormous task in itself. Building up the Court was only possible thanks to the dedication and hard work of a talented staff who came from all over the world to be part of this remarkable endeavour. And it could not have been done without the support of our host state, the Netherlands.

Just two years after the Rome Statute entered into force, the first two situations were referred to the Court. Two more situations were referred shortly thereafter. Today the Prosecutor is conducting investigations and has initiated cases in all four situations. The judges have issued twelve warrants of arrest. Three suspects have been surrendered to the Court. A fourth suspect has been arrested and should be surrendered shortly. Victims have participated in proceedings before the Pre-Trial and Trial Chambers. The Trust Fund for Victims, governed by five eminent persons and chaired by Madame Simone Veil, has started its first projects.

Through its investigations and judicial proceedings, the Court has increasingly been recognized to have a positive impact. The United Nations, non-governmental organizations, research institutions and others have cited evidence of the Court's contributions to the prevention of crimes and to peace and security.

Yet, we have only begun to achieve the potential of the ICC. The Court is still an emerging institution. The Rome Statute created a complex system. Its innovations like the Pre-Trial Chamber, the principle of complementarity, and victims' participation are being implemented in practice for the first time. The Court is also operating in new and unforeseen situations, in particular in situations of ongoing conflict. The coming years will require further development, and also adaptation, by the Court and by States, international organizations and civil society.

Whatever developments arise, the fundamental and unchanging responsibility of the Court is to ensure fair, effective and impartial proceedings. The Court will continue to interpret fundamental provisions of the Rome Statute, thereby further clarifying the Rome Statute

system and 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 under the Rome Statute. It will uphold the principle of complementarity. And all of this will be done with the fullest respect for the rights of the accused and of suspects.

At the same time, the Court must continue to adapt to the often-changing realities of life in the field, especially in conflict zones. Victims and witnesses need to be protected. Local populations affected by war need to be able to understand and follow Court proceedings.

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. Three challenges in particular confront States, international organizations and civil society. First, more needs to be done to achieve universal ratification of the Rome Statute so that the Court can have the truly global coverage envisioned by States Parties. Second, it is the responsibility of States and by extension international organizations to arrest suspects and provide other vital cooperation. Third, diplomatic and public support for cooperation will continue to be needed. The independent, non-political mandate of the Court must be respected and reaffirmed at all times. Support at the United Nations and in all international and regional forums strengthens the Court. In this context, I am pleased to note that France has assumed the Presidency of the European Union for the second half of this year, and I look forward to the continued strong support of the EU under French leadership.

IV. Conclusion

Excellencies,
Ladies and Gentlemen,

The adoption of the Rome Statute was a turning point in international law. Ten years after Rome, the ICC has become a firmly-established reality. A culture of impunity is giving way to a new culture of accountability, to justice, and to the rule of law.

Working together, we have created and built a remarkable institution. The mission of the ICC is permanent and universal. 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 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. We must succeed.

Thank you.