



**Cour
Pénale
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**International
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Le Président
The President



Judge Sang-Hyun Song
President of the International Criminal Court

11th Session of the Assembly of States Parties to the Rome Statute
Discussion on Complementarity

The Hague, the Netherlands
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Madame President, Distinguished co-chairs,
Your Excellency, Madam Helen Clark,
Distinguished panellists, Excellencies, Madam Prosecutor,
Ladies and Gentlemen,

It is my pleasure to make a contribution to this important discussion, which I have followed with great interest. On behalf of the ICC, I would like to thank South Africa and Denmark for this initiative, and indeed for all the valuable work they have done as co-focal points on complementarity.

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In adopting the Rome Statute, States took a giant step forward by creating a treaty that imposes strict legal obligations in relation to an international accountability mechanism.

But the giant leap forward was so huge that it actually jumped over a couple of steps, that is, designing rigorous mechanisms to prevent impunity in the national setting.

Effective complementarity is the answer to filling that gap, and it is the only way to end impunity. No matter how much the ICC does, at the end of the day, it will always be a court of last resort that deals with a limited number of cases.

Domestic justice systems should be so well equipped to deal with Rome Statute crimes that they can serve as a strong primary line of defence against impunity.

In a national setting, this requires, among other things:

- an independent judiciary, and public support for accountability;
- a good legal framework; and
- the necessary skills and resources for investigations, prosecutions, trials, witness protection and so forth.

This is not an easy task, particularly not in a post-conflict situation. I am pleased that a new movement has emerged to address this challenge, under the shared leadership of States, civil society, the Assembly of States Parties and the United Nations.

The ICC's role in complementarity is limited. This is primarily a task for other actors. That said, the ICC is happy to help where possible and appropriate in the context of our regular work. This year, we prepared the Court's report on complementarity in a way aimed at contributing to the Greentree process. I hope that the relevant stakeholders find the report useful.

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The UNDP Administrator's participation in today's debate is not only extremely valuable and highly appreciated, but also a reflection of the global nature of the challenge before us. Impunity is an issue of concern to the international community as a whole, and it is indispensable that the United Nations is heavily engaged in creating the solutions.

As a global organization with wide-ranging expertise and a presence on the ground in numerous conflict areas, the UN is uniquely positioned to help the strengthening of national accountability efforts. I am most grateful to Madam Clark for advancing this agenda, and for offering us valuable suggestions on the way forward in her remarks today.

I am also encouraged by the World Bank's increased attention on justice issues. We know that peace and justice must go hand in hand, and we could add development to that equation as well. The rule of law is one of the fundamental preconditions of sustainable development and prosperity.

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Excellencies,

Ladies and Gentlemen,

Despite the progress achieved, it is clear that the path to fully effective complementarity is long and arduous.

One of the important next steps is to fully mainstream Rome Statute issues into rule of law programmes and post-conflict recovery aid. This requires determination and perseverance. Fortunately, the States gathered in this hall have those qualities – as demonstrated by the successful budget negotiations.

Before I conclude, allow me to underline one thing. The main challenges of the Rome Statute system – cooperation, complementarity and universality – are interlinked. The key to solving them is to entrench the values and norms of the Rome Statute. Wide and deep.

Thank you.