

CHRISTOPHER HALL: It is difficult if not impossible in human affairs to prove the existence of the negative; that without the existence of the Court, this or that crime would have been committed. It is even more difficult to gain universal acceptance that such claims are correct.

Instead of seeking to measure the preventative impact of the Office of the Prosecutor, it might be better for the Office of the Prosecutor to let its supporters make this argument and instead for it to focus on some of the things that can easily be defined, measured, and accepted as relevant in the fight against impunity as part of an annual anti-impunity index. Such steps could include ratifications of the Rome Statute and the Agreement on Privileges and Immunity; enactment of implementing legislation highlighting key features that are absolutely essential to the work of the Prosecutor; adoption of Memoranda of Understanding with States Parties and non-States Parties; reports of crimes committed - although, as we heard earlier today, this may be somewhat subjective as well as very difficult to collect both in States Parties and in non-States Parties; national criminal investigations opened and completed; prosecutions, judgements, and sentences fully served; and orders of reparations made and implemented.

The negative aspects could also be incorporated in the anti-impunity index such as amnesties for genocide, crimes against humanity, and war crimes, something which is prohibited under international law. Such an anti-impunity index could be a valuable tool for the Prosecutor as part of a dynamic implementation of complementarity in cooperation with states and in consultation and cooperation with civil society.

Thank you.