

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Judge Sang-Hyun Song
President of the International Criminal Court

**Congratulatory Remarks at the Opening of the
14th International Symposium, World Society of Victimology**

*Ridderzaal, The Hague
20 May 2012*

Excellencies,

Ladies and Gentlemen,

It is my pleasure to talk to you about victims' rights in the International Criminal Court's procedures at the opening of this important symposium. The World Society of Victimology and the International Criminal Court – also known as the ICC – share similar interests regarding the protection and representation of victims, and I wish to express my gratitude for being invited to speak today.

Allow me to begin my remarks by going back in time.

In 1950, war broke out in my home country, Korea. I was nine years old. For three months, during the battle for Seoul city, my family was hiding in an underground bunker. I was responsible for emerging from the bunker to bring food and, to do this, I had to walk about 16 kilometres every day. I will never forget passing hundreds of bodies, lying on the streets. I still remember the terrible smell in those hot summer months.

At times I encountered street battles, but each time I was fortunate enough to get away. I was too young to be mobilized for war, but old enough to realize its horrors.

Sixty years later, in my capacity as the President of the International Criminal Court, I met with victims in Uganda and the Democratic Republic of the Congo as part of the ICC's outreach activities. Some were former child soldiers, grappling to rebuild their lives after they had been stripped of their childhood, mobilised for war, subjected to violence – and often forced to participate in atrocious acts themselves. Other victims that I met were missing arms, legs, or lips and ears which had been intentionally cut off.

As my own memories of wartime suffering came back to me, I had to ask myself: how can human beings be so brutal to one another? Will we ever be able to stop such acts?

Fortunately, humans do also have the capacity to learn from the past. After the Second World War, the world articulated an unparalleled claim for justice. Justice was seen for the first time as a pre-requisite for lasting peace. And from the death and destruction, a powerful movement emerged: to hold people individually accountable for the crimes they committed.

Tribunals were set up in Nuremberg and Tokyo, and perpetrators were brought to justice. In its judgment, the Nuremberg Tribunal famously acknowledged that crimes against international law are committed by men, not by abstract entities, and that only by punishing these individuals can the provisions of international law be enforced.

Built on the achievements of Nuremberg and Tokyo, the Genocide Convention, the Geneva Conventions and the Universal Declaration of Human Rights were adopted. But soon the Cold War froze for decades the expectation of accountability, while armed conflicts and atrocities continued in many corners of the world.

The end of the Cold War marked the beginning of a new era in which justice was suddenly in high demand. The ad hoc international criminal tribunals for the former Yugoslavia and Rwanda were set up, and the idea of establishing an international criminal court resurfaced.

With incredible speed, the new international justice movement led to the adoption of the Rome Statute of the International Criminal Court in 1998. What a truly historic moment that was! The majority of the world's States came together with the recognition that they had to take joint action to ensure that the worst atrocities known to humankind do not go unpunished. This, in turn, was seen as a prerequisite for the prevention of such crimes.

It took less than four years for the Statute to reach the 60 ratifications required for it to take effect, and the ICC officially came into being on 1 July 2002. For the first time in the history, States agreed to establish a *permanent* and potentially *universal* international institution, *independent* from the United Nations or any other pre-existing body, to hold perpetrators of the gravest crimes accountable when – and only when – national systems fail to do so.

This year, the ICC is celebrating its 10th anniversary. We can be proud of what we have achieved to date. The ICC is a fully functioning court of global significance. The Court's first judgement was handed down on 14 March this year in the case of Thomas Lubanga Dyilo.

Mr Lubanga was found guilty of the war crimes of conscripting and enlisting children under the age of 15 and using them to actively participate in hostilities in the Democratic Republic of the Congo. The conviction is subject to appeal.

Several other cases are ongoing and the ICC's second judgement is expected later this year. In total, seven situations are currently under investigation and prosecution before the ICC, and the Court is busier than ever. These proceedings are already putting leaders around the world on notice that they may be held accountable if they commit international crimes. To date, 121 States have become Parties to the Rome Statute and the number keeps growing each year, demonstrating the increasing international trust in the ICC's crucial mandate.

However, the ICC's achievements are not only measured by the number of situations and trials or the number of States that join to the Rome Statute. Indeed, our achievements are also – and even more importantly – measured by how many victims have seen and experienced justice. Indeed, next to holding perpetrators accountable, the Rome Statute system moves one step further by actively considering the role, the rights and the needs of victims.

In an unprecedented development in the history of international criminal justice, the ICC provides victims with the right to participate in appropriate stages of proceedings where their personal interests are affected. This facilitates truth-seeking and helps empower survivors. Victims may be granted legal assistance to ensure their representation in the Court, and the need to take into account the particular interests of victims of violence against women and children is specifically built into the ICC's Statute and Rules.

With the ICC's first conviction handed down earlier this year, we are opening an entirely new chapter in the development of the Rome Statute system. For the first time, there is a possibility of the ICC ordering reparations to victims, and this matter is currently before the Court in the Lubanga case that I mentioned earlier.

The Rome Statute's reparations provisions represent a significant advancement in victims' rights under international criminal law, bringing a restorative element alongside the process of criminal justice. The exact form of reparations will be determined by the Court in light of the unique circumstances of each situation and each case. One also has to remain mindful of the fact that the crimes under the ICC's jurisdiction by their very nature involve large numbers of victims which poses a significant challenge in light of the limited amount of resources available for reparations.

In addition to victim participation and reparations, the third innovative feature of the Rome Statute is the creation of a Trust Fund for Victims. The Trust Fund acts as a depository for any assets seized from a suspect or accused for the eventual purposes of reparation. Additionally, it may also obtain contributions from other sources through voluntary contributions or fundraising. Recognizing both the rights and the needs of victims and their families, the Trust Fund enables victims to become key stakeholders in the pursuit of transitional justice.

More than four years of victims' assistance in northern Uganda and the Democratic Republic of the Congo have seen the Trust Fund for Victims mature into a solid institution. By recognizing the particular needs of victims, for instance for reconstructive surgery and trauma-based counseling, the Trust Fund has been able to articulate a truly human dimension to the process of international criminal justice.

Currently, over 80,000 beneficiaries receive assistance provided by the Fund and its local and international partners. This year, the Fund will start a new programme in the Central African Republic, initially focusing on victims of sexual violence.

Ladies and Gentlemen,

Victims have an integral role in the delivery of justice at the International Criminal Court – as participants, as witnesses and as beneficiaries. Over the past few years we have heard victims tell stories of suffering and survival in the ICC’s courtrooms, and the Trust Fund for Victims has helped survivors in the affected communities by providing medical and psychosocial services, as well as material support. Soon we may see the first court orders at the ICC for reparations to victims.

Of course, it is impossible to undo the suffering and human losses caused by atrocity crimes. However, it is possible to help the survivors of these crimes and their communities rebuild their lives and regain their dignity. I assure you that the ICC is fully committed to this goal, which I know to be close to your heart as well.

I would like to wish you a very successful event and I hope that during your discussions you will consider the ICC as an important cooperative actor in the assurance and protection of victims’ rights.

Thank you for your attention.