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14 December 2011

Statement to the tenth session of the Assembly of States Parties

Amnesty International welcomes the many achievements of the Assembly during the past decade in the performance of its functions set out in the Rome Statute. However, as documented in our report to this session, there remain many challenging issues on its agenda that must be addressed effectively to ensure the success of the International Criminal Court and the new system of international justice, including:

- ensuring the Court is adequately funded;
- ensuring full and effective cooperation with the Court;
- promoting complementarity;
- improving the elections processes to ensure that the most highly qualified candidates are appointed to the Court; and
- promoting universality of the Rome Statute.

Amnesty International is most alarmed by efforts of a small number of states to impose “zero growth” or significantly reduce the Court’s 2012 budget.

Applying “zero growth” in 2012 would deny the Court – including the new Prosecutor - the additional €20 million it has requested in response to the two new investigations in Libya and Cote d’Ivoire and a projected increase in judicial activities in cases for the year ahead.

Proposals to cut blindly at areas of the Court’s budget must be rejected. Efforts to impose damaging measures such as capping legal aid for defence and victims without regard for fair trials or the rights of victims set out in the Rome Statute, or funding core functions like outreach through voluntary contributions, must also be opposed.

Zero-growth would also set a catastrophic precedent for future years. If continued, it would starve the Court of the resources needed to respond to further necessary increases in judicial activities following the arrest and surrender of suspects, or future Security Council referrals. It could preclude opening investigations into crimes committed in other situations, including, possibly prejudicing the ability of the ICC to develop its work on the eight preliminary examinations currently being conducted by the Office of the Prosecutor, as well as undermining the Court’s ability to promote complementarity in these and other situations.

A zero growth approach to the Court’s budget is inappropriate for an institution that was intended to be dynamic – able to respond whenever required to genocide, crimes against humanity and war crimes. The budget should be devised to meet increases and decreases in the Court’s workload. At times, such as now, when the need for action by the Court is high, it must be provided with sufficient resources to perform its essential work.

That is not to say that we support limitless funding for the Court. Amnesty International as a member of the Coalition’s Budget and Finance Team has recommended a number of specific measures the ICC and the Assembly should take to ensure efficiency.

In the Rome Statute Preamble, states parties determined to “put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes.”

The proposals for zero growth are a test of that commitment and states parties support for realising the new system of international justice.

We call on all states parties to oppose zero growth or any compromise that involves arbitrary cuts in the Working Group on Budget and to ensure that the Court receives the funding it needs to fulfil all aspects of its mandate.