

1 June 2010



Secretary-General

SG/SM/12930

L/3158

Department of Public Information • News and Media Division • New York

BALANCE BETWEEN PEACE, JUSTICE 'A TRUCE AT GUNPOINT', SECRETARY-GENERAL

SAYS IN ADDRESS TO INTERNATIONAL CRIMINAL COURT REVIEW CONFERENCE

Following is the text of UN Secretary-General Ban Ki-moon's address, "An Age of Accountability", to the Review Conference on the International Criminal Court, in Kampala, Uganda, on 31 May:

Let me begin by thanking President [Yoweri] Museveni and the people of Uganda for organizing this historic gathering. Thank you, as well, for the warmth of your welcome. I am sure I speak for all in saying that we felt among friends as soon as we landed at Entebbe.

Twelve years ago, world leaders gathered in Rome to establish the International Criminal Court. Few could have believed, then, that this Court would spring so vigorously into life, fully operational, investigating, and trying, war crimes and crimes against humanity across a broadening geography of countries. Seldom since the founding of the United Nations itself has such a resounding blow been struck for peace, justice and human rights.

Today, we come together for this first Review Conference of the Rome Statute.

It is a chance not only to take stock of our progress but to build for the future. More, it is an occasion to strengthen our collective determination that crimes against humanity cannot go unpunished, the better to deter them in the future. I see this as a landmark in the history of international criminal justice.

The old era of impunity is over. In its place, slowly but surely, we are witnessing the birth of a new "Age of Accountability". It began, many decades ago, with Nuremberg and the Tokyo Tribunals. It gained strength with the international criminal tribunals for Rwanda and the former Yugoslavia, as well as the so-called "hybrid" tribunals in Sierra Leone, Cambodia and Lebanon.

Now we have the International Criminal Court, permanent, increasingly powerful, casting a long shadow. There is no going back. In this new age of accountability, those who commit the worst of human crimes will be held responsible. Whether they are rank-and-file foot soldiers or military commanders, whether they are lowly civil servants following orders, or top political leaders, they will be held accountable.

Hear the roster of names for those who have already been called to justice: General Ante Gotovina; Jean-Paul Akayesu, a city mayor; Chea Nuaon and Radovan Karadžić, prominent political leaders; Jean Kambanda, a Prime Minister; Slobodan Milošević and Charles Taylor, Heads of State.

Not long ago, this would have been unimaginable. Today, it is the way of the future.

We are here in Kampala to build on this success, to help build this Court into all that it can be and all that it must be. Let us do so by recognizing certain realities.

First, if the International Criminal Court is to have the reach it should possess, if it is to become an effective deterrent, as well as an avenue of justice, it must have universal support. Only then will perpetrators have no place to hide. I congratulate Bangladesh for ratifying the Rome Statute and becoming its 111th State party. And I again urge all States that have not yet done so to become a party to the Rome Statute.

Second, this Court breaks new ground on the rights of victims, including the right of compensation. Rightly, it holds that justice is not only retributive, but restorative as well.

Third, the International Criminal Court remains a Court of last resort. It exercises jurisdiction only where national courts do not (or cannot) act themselves. This is important: where a State is unwilling to genuinely investigate and prosecute perpetrators, the Court can get involved. No Government or justice system that is complicit in international crimes can any longer shield the perpetrators from justice.

Your debates over the coming week are likely to be wide-ranging and intense. The issues are difficult and often controversial; there are few easy answers. Perhaps the most contentious challenge you face is the balance between peace and justice. Yet frankly, I see it as a false choice.

In today's conflicts, civilians have become the chief victims. Women, children and the elderly are deliberately targeted. Armies or militias rape, maim, kill and devastate towns, villages, crops, cattle and water sources, all as a strategy of war. The more shocking the crime, the more effective it is as a weapon.

Any victim would understandably yearn to stop such horrors, even at the cost of granting immunity to those who have wronged them. But this is a false peace. This is a truce at gunpoint, without dignity, justice or hope for a better future.

Yes, it may be true: demanding criminal accountability, at the wrong time, can discourage warring parties from sitting down at the negotiating table. Yes, it may even perpetuate bloodshed. Even so, one thing is clear: the time has passed when we might speak of peace versus justice, or think of them as somehow opposed to each other.

Between war and peace must first come something else: reconciliation, forgiveness, a mending of the social fabric. These are the hand-maidens of peace and justice. We have no choice but to pursue them both, hand in hand.

In recent years, international criminal justice has emerged as a powerful voice against the epidemic of violence against women. In 1998, for the first time in international criminal law, the Rwanda Tribunal gave us a definition of rape as a crime against humanity. The Special Court for Sierra Leone convicted three members of the Revolutionary United Front for sexual enslavement. Right now, at the International Criminal Court, alleged perpetrators of rape and sexual slavery in the Democratic Republic of the Congo face war crimes charges.

This jurisprudence sends a strong and necessary signal. It is up to you to make sure that message continues to be heard. Indeed, it is time to turn up the volume.

Executing the mandate given to me by the Security Council, I recently appointed Margot Wallström as my Special Representative on Sexual Violence in Conflict. She is a forceful advocate, and I count on her to use her position to the fullest. I urge the court to continue treating this issue as one of its top priorities.

We have all heard at least one criticism of this Court: that it is "selective"; that African nations are too frequently the focus of its work; that grave crimes elsewhere escape such scrutiny.

As I see it, however, these criticism are both unfair and inaccurate. As a matter of factual accuracy, yes. All of the ongoing cases before the Court relate to Africa.

That said, most of these situations were referred to the Prosecutor by the Governments concerned. Correctly, they see the Court as a help to them, not a threat. In the case of Darfur, I might add, the referral was a decision of the Security Council. Only with regard to the situation in Kenya did the Prosecutor take the initiative to request an authorization from the Court to formally investigate.

The merits of each case warrant no less. The Court is meant to follow the evidence. There is a broader point, as well: in all these cases, African society is cheering. To them, the Court is where

we all should be, firmly on the side of the victims. The presence today of so many African non-governmental organizations is a clear expression of support for the International Criminal Court by Africa's people and civil society.

Let me close on a note of high praise. We are here today largely because of the immense contribution of civil society. These globally minded civic action organizations were among the originators of the very idea of a permanent international criminal court. Many joined in a common cause, the Coalition for the International Criminal Court, and campaigned far and wide in the run-up to Rome.

Ever since, they have been instrumental in promoting the International Criminal Court and pushing world leaders to embrace it. That this Court exists is a testament to their vision, their tenacity and determination, their sense of justice and humanity.

Many are here today, coming to Kampala from all corners of the earth. To them I say: thank you. None of us would be here without you.

The decisions you take this week will be felt around the world, wherever there is injustice, wherever people live in fear. Let us remember the mothers of Srebrenica, and the orphans of Sierra Leone, the killing fields of Cambodia and Rwanda. So many terrible names, so many haunted places.

Long ago, we said: "Never again." That is why this Court exists. That is why we are here. That is what we have all worked so hard to achieve. The Rome Statute represents the best that is in us, our most noble instinct, the instinct for peace and justice.

We pay tribute to my predecessor, Kofi Annan, for speaking so often and so strongly for the Court's creation. We applaud all those who have signed the Rome Statute, and we welcome those who have not yet done so but are with us today.

In this regard, let us especially welcome the United States and the new spirit of re-engagement under President Barack Obama.

In 1998, we made Rome a byword for international criminal justice. Let us now write Kampala in that illustrious history, as well. Let it be known as the place where the international community, coming together in concert, closed the door on the era of impunity and, acting in concert, ushered in the new Age of Accountability.

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