

**ASSEMBLY OF STATES PARTIES
TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

**SEMINAR ON THE ICC REVIEW CONFERENCE:
KEY CHALLENGES FOR INTERNATIONAL CRIMINAL JUSTICE**

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Note

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PREFACE

The concept of trying to attain universal participation in the Rome Statute system is quintessential in order to ensure that impunity does not prevail in any part of the world.

This is the reason why the Assembly of States Parties has adopted a Plan of Action that sets out a series of measures to be taken by the different stakeholders, at the national and international level. Although the pace of ratifications and accessions may have slowed somewhat compared with the years that followed the 1998 Rome Diplomatic Conference, the trend continues with new States Parties joining every year.

As part of the Assembly's Plan of Action, a seminar series was started in 2009, that sought to allow an exchange of views on the different challenges posed in that endeavour of the continuing along the path of increased ratifications/accessions.

On behalf of the Assembly, I wish to express the appreciation to Ambassador Miloš Koterec, Permanent Representative of Slovakia to the United Nations, and Ms. Eva Šurková, the facilitator for the Plan of Action, for undertaking the challenge of organizing a timely seminar during the preparations for the Review Conference, with the presence of a most distinguished group of speakers, including the Minister of Foreign Affairs of Slovakia, Mr. Miroslav Lajčák.

The Assembly also expresses its appreciation to the United Nations Secretary-General, Mr. Ban Ki-moon, for his participation in the seminar and to the United Nations Secretariat for providing once more the venue and facilities.

I trust that the dissemination of this publication will provide additional impetus to those States that are still in the process of considering when to join the Rome Statute family.

*Ambassador
Christian Wenaweser
President of the Assembly of States Parties to the Rome Statute
November 2010*

OPENING REMARKS

H.E. Mr. Miloš Koterec*

It is my distinct honour to extend a welcome to our renowned guests particularly

- H.E. Mr. Ban Ki-Moon, Secretary-General of the United Nations who has kindly accepted our invitation for the opening of this seminar,
- H. E. Mr. Miroslav Lajčák, Minister of Foreign Affairs of Slovakia as well as
- H.E. Judge Sang-Hyun Song, President of the International Criminal Court.

Our appreciation further belongs to

- H. E. Mr. Christian Wenaweser, President of the Assembly of States Parties to the Rome Statute of the ICC,
- H.E. Mr. Sigfrido Reyes, Vice-President of the Parliament of El Salvador,
- Her Excellency Ms. Patricia O' Brien, United Nations Under-Secretary-General for Legal Affairs,
- Mr. David Tolbert, President of the International Center for Transitional Justice and
- Mr. William Pace, Convenor of the Coalition for the International Criminal Court.

It is my great pleasure to welcome you to today's seminar on the International Criminal Court entitled "Review Conference: Key Challenges for International Criminal Justice" co-organized by the Permanent Missions of Chile, Japan, New Zealand, Slovakia, South Africa, Spain and Trinidad and Tobago to the United Nations.

Since the first part of the 20th century, the international community has witnessed some of the most heinous crimes but more often than not failed to prosecute perpetrators and bring peace and justice to affected communities. A historic landmark for fighting impunity and achieving international criminal justice was achieved in 1998 when 120 States adopted the Rome Statute, which serves as a legal basis for creation of the first major international court of the 21st century - independent and permanent International Criminal Court. The Statute entered into force in July 2002 and since then the Court exercises jurisdiction over most serious crimes of international concern, namely genocide, crimes against humanity and war crimes.

Slovakia stands strongly dedicated to promote international criminal justice and prosecute perpetrators of these very serious crimes when a State is unable or unwilling to do so. These atrocities that "deeply shock the conscience of humanity" "threaten the peace, security and well-being of the world." In this respect, the Court is not only a judicial body but it also plays a major role in promoting the rule of law and international law in general by strengthening international peace and fostering justice.

The Rome Statute reflects an incredible international consensus about the need for a permanent global body vested with jurisdiction over the most serious crimes of international concern. Today, there are numerous States Parties to the Rome Statute but there are still a great deal of States that have been hesitant to join the Statute for various reasons. The Permanent Mission of Slovakia to the United Nations, acting as facilitator for the Plan of Action for achieving universality and full implementation of the Rome Statute of the ICC, stresses the importance of further ratification and implementation of the Rome Statute. Solacing further ratifications of the Statute is a paramount part of making the International Criminal Court a strong and vital global institution.

* Permanent Representative of Slovakia to the United Nations.

It has been eight years since the Court has successfully undertaken its momentous role. Presently, all existing ad hoc and special tribunals are in the closing stage, and therefore, the ICC will soon become the sole global organization fighting the most serious crimes of concern to international community. We are only one month away from the Court's historic benchmark of the first Review Conference, which is scheduled to be held in Kampala, Uganda. It will be a unique opportunity to look back at the accomplishments of the Court under the scheme of the stocktaking of international criminal justice as well as to reassert the commitment of States to fight the most serious crimes known to mankind. Additionally, the Conference will be an extraordinary occasion, allowing States Parties to possibly amend the Statute. We look forward to constructive results of the Conference that will further strengthen the mission of the International Criminal Court.

GUESTS OF HONOUR SPEAKERS

H.E. Mr. Ban Ki-moon*

I thank Slovakia for its active engagement with the International Criminal Court and for its efforts, through its Permanent Mission in New York, to ensure that next month's Review Conference in Kampala is a success.

The ICC is the centrepiece of our system of international criminal justice. I attach great importance to its work and to our common drive to ensure that the perpetrators of war crimes, crimes against humanity and genocide do not go unpunished.

To be successful, this system requires full support from the international community. Only once every State has ratified the Rome Statute, and taken the necessary steps to make it enforceable at the national level, will there truly be no safe haven for those responsible for the most egregious crimes that can be committed against the core values of humankind.

Universal ratification of the Rome Statute is, then, one of the main challenges faced by the Court.

In this connection, I commend Slovakia on the role it is playing as facilitator for the plan of action for achieving universality and full implementation of the Rome Statute.

At Kampala, I will echo the General Assembly of the United Nations in calling on every nation to become a Party to the Rome Statute.

I also commend the President of the ICC, Judge Song, for his outreach campaign. With last month's ratification of the Rome Statute by Bangladesh, this effort is now bearing fruit.

The Review Conference will be an opportunity to take stock of the Court's achievements and to reflect on its future.

I also encourage States to make concrete pledges in support of the Court, in order to strengthen both the spirit and the objectives of the Rome Statute. President Song will elaborate on this important matter. I fully support him in this endeavour.

Let us also remember that while the Conference is for States, many others have a stake in this process, including international and non-governmental organizations. Their voices must be heard as well.

For my part, I will do everything in my power to help the Review Conference produce a meaningful outcome. The UN's efforts to promote peace, development and human rights are closely linked to the work of the ICC. We need and want the Court to succeed. Our partnership is expanding, for example in the pursuit of justice in post-conflict societies. I am determined to push forward further still in our common fight to end impunity and strengthen accountability.

I thank all involved for their support. I look forward to seeing you in Kampala.

* Secretary-General of the United Nations.

H.E. Mr. Miroslav Lajčák*

Allow me to begin by expressing our most sincere appreciation to the Secretary-General, Mr. Ban Ki-moon, for giving us an opportunity to hold this event at United Nations Headquarters and for honoring us with his presence. I also wish to thank the President of the Court, Mr. Sang-Hyun Song for traveling to New York to accompany us on this special occasion. I feel truly privileged to be here among an array of distinguished individuals that are jointly committed to the cause that has led us to assemble here: the fight against impunity.

For more than half a century since the Nuremberg and Tokyo trials, States have, most regretfully, largely failed to bring to justice those individuals responsible for the most serious crimes of concern to the international community as a whole. Thus, with the establishment of the International Criminal Court, the world began to fulfill the post-World War II promise of "never again".

The ICC remains the first permanent treaty - based international judicial body capable of bringing perpetrators of those crimes to justice and providing redress to victims when States are unable or unwilling to do so. It has a special role in confronting genocide, war crimes and crimes against humanity and thereby to promote international peace and security. Its establishment represented a major stride for international criminal justice.

Supporting ratification of the Statute remains a cornerstone to making the ICC truly global and universal. I state this to underline the firm commitment of Slovakia to the Court within its role as facilitator for the Plan of Action for achieving universality and full implementation of the Rome Statute. Today's seminar is part of a series of events organized by the Permanent Mission of Slovakia with a view to attaining that objective. I would like to link these activities to Slovakia's supportive approach towards the ICC since its establishment.

The objective of today's event is to assist the international community in its endeavors to galvanize support for the ICC, to stress the importance of its creation and work and to provide space for an open discussion on various aspects of international criminal justice, in advance of the forthcoming Review Conference. This initiative is encompassed under the umbrella of universality and full implementation of the ICC Rome Statute.

Slovakia is deeply committed to the fight against impunity for the most serious international crimes and to ensure that perpetrators of those crimes are without exception brought to justice. For that reason, we must strive to achieve universal acceptance of the Rome Statute, which would allow us to close any gaps that may exist between what we seek, the end of impunity, and the current political reality. If we do not achieve that, justice might be seen as inept or unjust at times. However, we cannot fail to remember the accomplishments of the Court thus far. In addition to providing support and seeking justice for victims, it continues to foster respect for the rule of law in general and international law in particular. We must all carry on this effort of strengthening international peace and justice in conformity with the Charter of the United Nations.

In accordance with universality we see that the regional distribution of 111 States Parties to the Statute remains mixed, with under-representation in different regions. There are still numerous countries which have yet to join the Rome Statute.

* Minister of Foreign Affairs of Slovakia.

On the other hand, in addition to ratification, ensuring the proper implementation at the national level is vital. States should incorporate crimes into their national penal system precisely in order for the principle of complementarity to be effective.

However, in reality there are several political, legal and technical difficulties. We should therefore continue our activities towards identifying obstacles that hinder attaining universal adherence to the Statute as well the effective implementation at the national level, and the adequate means to overcome those obstacles. To put it simply - universality and implementation of the Rome Statute, full cooperation with the Court and respect for its decisions, remain essential.

The first Review Conference to be held in Uganda almost one month from today constitutes a significant milestone for the ICC, not only because of the possible adoption of the amendments to the Rome Statute. In general, it will be a unique opportunity for States to reflect on the achievements of the Court and to reaffirm their commitments to combat impunity for the most serious atrocities. Universality and implementation of the Statute play an indispensable role in that regard. Both would therefore be reviewed within the framework of the stocktaking of international criminal justice. Slovakia also views the Review Conference as an occasion to demonstrate our unity and tangible commitment to the Rome Statute such as by making pledges.

In conclusion, allow me to express our hope that today's seminar will contribute not only to broadening the support of the international community for the International Criminal Court and its Rome Statute, but also to address some of the most important issues of international criminal justice in general.

With such a distinguished set of panelists and a vibrant audience, I have full confidence that this will be a most fruitful occasion.

ADDRESSES

Judge Sang-Hyun Song*

I am pleased to be here today, and I am grateful to the Mission of Slovakia for convening this seminar. I would like to thank Ambassador Kotorec for his kind introduction. The Secretary General's remarks and those of Minister Lajcak underscore the importance of this event, as does the participation of the esteemed panel members.

This is the last significant diplomatic gathering on international criminal justice before the Review Conference on the Rome Statute opens in Kampala, Uganda in one month. The Review Conference presents a tremendous opportunity to take stock of how far we have come in the development of international criminal justice, and to plan its future. In Kampala, if States are prepared to make ambitious pledges, they can give new impetus to realizing the ideals and goals of the Rome Statute. Momentum in this regard has been building. This seminar can help to spur the kind of ambitious commitments required to extend the reach of credible justice to more victims of the worst crimes.

Of course, one central element of the Review Conference encompasses proposed substantive legal amendments to the Statute on such items as aggression. The Court takes no position on these issues and will not be involved in the discussions. I will limit my remarks here to the stock-taking exercise.

The stock-taking will look at the Rome Statute system as a whole. At the heart of the Rome Statute, of course, is the ICC itself, and it is worth briefly looking at where its work stands today.

The Prosecutor has opened five investigations. As you know, these are in the Democratic Republic of Congo, Northern Uganda, Central African Republic, Darfur, Sudan, with a fifth just now beginning in Kenya. Three of these situations were referred to the Court by the governments themselves, the fourth by the UN Security Council, and the Prosecutor has just received approval of a Pre-Trial Chamber to open the Kenya investigation at his own initiative.

In all, our Pre-Trial Chambers have issued 13 arrest warrants. Four detainees are currently in custody and one suspect voluntarily appeared in response to a summons. The first trial – of Mr Thomas Lubanga Dyilo – began last January and is moving toward completion this year. A second, of Mr Mathieu Ngudjolo Chui and Mr Germain Katanga, began last November.

This and the Lubanga trial relate to the situation in the Democratic Republic of the Congo. A third trial is now scheduled to begin in July. Mr Jean-Pierre Bemba is likewise a Congolese national, but he is accused of having committed crimes in the Central African Republic.

The Court is working as envisioned to deliver justice of the highest standard in the cases currently before it. But as important as the work of the ICC is, it is only one part of a broader Rome Statute system that remains under development.

The stock-taking exercise at the Review Conference will examine four different aspects of this system: cooperation, complementarity, the impact of the Rome Statute on victims and affected communities, and peace and justice. While the stock-taking is being prepared by States, I am very pleased that States have been open to the Court's ideas, and that Court officials will actively participate at the Review Conference.

* President of the International Criminal Court.

In Kampala, States can make tangible pledges toward the further development of the entire system of international criminal justice. I welcome the *note verbale* circulated to States two weeks ago by the Missions of The Netherlands and Peru, the focal points for Review Conference pledges.

It calls on States, individually or in groups, to submit pledges with specific commitments and precise benchmarks by 14 May. In each area of the stock-taking, States have ample opportunities to meet urgent needs.

Cooperation remains an area of vital importance to the ICC's functioning and judicial efficiency. Cooperation from States has been generally forthcoming. The Court has identified its needs, highlighting the priorities of the arrest of suspects and agreements on relocation of witnesses and enforcement of sentences. It is now up to States to help identify their challenges in providing cooperation and assistance, and to identify actions that can be taken. In Kampala, States could make concrete pledges to ramp up support for arrest efforts and to enter into assistance agreements with the ICC. They could also set goals for the adoption of implementing legislation that would ease cooperation with the Court.

The principle of complementarity is at the heart of the Rome Statute. The ICC is a court of last resort, and national jurisdictions retain the primary responsibility to conduct genuine investigations and prosecutions of crimes under the Statute.

A first step in realizing complementarity is domestication of these crimes in national law. Yet fewer than half of all States Parties have adopted any implementing legislation. Beyond this, there is much more that can be done.

I saw an example of the needs during my trip to the Democratic Republic of Congo last December. Among my meetings in eastern Congo, I met with the local military prosecutor. Under current Congolese law, military prosecutors have jurisdiction over war crimes, crimes against humanity and genocide. To my great surprise, I learned that the military court in the town of Bunia is directly applying the Rome Statute. Already four cases have been completed.

But this military prosecutor frankly admitted that he and his team lacked the expertise to ensure proper trials. They lack basic texts on international criminal law and the jurisprudence of the ICC.

Following this meeting, I sent a few legal texts to the military prosecutor's office. As you can well imagine, given the scale of the challenges in the DRC, this represents a very modest contribution indeed. Government officials and outsiders universally expressed the opinion that the prison system is in need of reform. Some observers express concerns about political interference in the judiciary. Others point to a need for the government to provide greater protection to witnesses and court officials themselves.

And all of these problems are compounded by the fragile security situation in a region that has long suffered from conflicts involving many states and factions.

The Court would like to see further efforts to build the will and capacity of domestic systems to genuinely investigate and prosecute war crimes, crimes against humanity and genocide. But this is an area where the ICC has at most a very minor role. States, international organizations and NGOs must step to the fore. States have many options for making pledges in this regard at Kampala.

States could pledge to assist national jurisdictions in building capacity. Many countries have needs ranging from expertise on international criminal law, to courtroom management, to penal system reform. These items often fall within the scope of existing rule of law programming, but relevant information is not always available, international criminal justice issues may not be fully addressed in some programmes and there are few mechanisms for coordination.

The third focus of the stock-taking will examine the impact of the Rome Statute on victims and affected communities. Victims, affected communities and communities under threat of future crimes should be the primary beneficiaries of the work of the ICC and the entire Rome Statute system.

I am pleased with the progress we have made. In the two trials ongoing at the ICC, victims are participating in proceedings and telling their stories in court. The Court's outreach unit, often working in remote locations, is undertaking the indispensable, underappreciated task of increasing affected populations' understanding of complex proceedings. Meanwhile the Trust Fund for Victims is providing assistance to victims of specific crimes and whole communities in Northern Uganda and the Democratic Republic of the Congo.

At the Review Conference, it is my hope that the voices of victims and affected communities will receive a thorough hearing when it comes to assessing what has been done so far, and where needs remain. States could pledge to make new contributions to the Trust Fund. Or they could pledge to support new efforts to make the ICC's work understood in affected communities.

And finally, it is my hope that through the stock-taking panel on peace and justice, States can commit to thoughtful engagement on how peace and justice best complement each other in practice.

Although it is not formally a part of the stock-taking, States can also pledge to assist the Rome Statute achieve universal reach. I would like to recognize the significant contribution made by our host, the Slovak Mission, which has been working to great effect as the facilitator for universality and full implementation. I have focussed my efforts in this regard primarily on the Asia-Pacific region. I recently travelled to Nepal, Bangladesh and Laos. The United Nations, European Union, individual States, and civil society have worked with the Court to combine efforts in these countries. Through just this type of collaboration, we are broadening the Rome Statute's promise of justice. In Kampala, States can make ambitious pledges to build on existing partnerships and take advantage of their particular relationships with non-States Parties to further expand of the Statute's reach.

Some may ask whether we can really expect this Conference to make a difference. They may ask what value there is in trying to be so ambitious. We should recall that many raised similar questions in 1998, when representatives of 160 States convened in Rome at the behest of the General Assembly. Sceptics said that parochial interests would prevail. They said States would never be able to agree on the creation of a permanent international criminal court.

But when diplomats emerged from their negotiations, they had not only created a permanent Court; they had laid the foundations for an entire, comprehensive system of international criminal justice.

That was just the beginning. And much more needs to be done. The Review Conference can reinvigorate the movement that led to adoption of the Statute. But States must tap the same commitment and sense of audacity that prevailed in Rome. Today's seminar provides me with hope that the international community can once again summon its collective will to escalate the fight against impunity.

H.E. Mr. Christian Wenaweser*

This seminar takes place under the broad title of “universality”. I believe that universality has a double meaning.

First there is the universal adherence to the Rome Statute. This is and must remain a central goal. Today, the Court already has potentially universal reach. This depends to a significant extent on the willingness of the Security Council and the reach of universal justice must of course not depend on the political decisions of the Council. The number of States Parties has now reached 111 with the recent ratification of the Rome Statute by Bangladesh. The effort to bring the Rome Statute family closer to universality is a common undertaking – which is reflected in the composition of the seminar today. States are an important driving force in for universality: By engaging with their peers, including in regional and subregional organizations, by sharing their own experience in ratifying, they can be instrumental in the universality project. Civil society is one of the most powerful drivers towards universality – incessant outreach, educational work, technical assistance and lobbying at the political levels characterize the work both of the Coalition and of individual NGO’s that put a particular focus on universality, such as the Parliamentarians for Global Action. The Court itself is doing outreach to States. President Song has visited many places, in particular in Asia, to help bring about additional ratifications. Of course I am myself glad to accept invitations from Governments who are determined to take a serious look at the Rome Statute – such as El Salvador which I visited two weeks ago. Most importantly though, we can count on the support of the Secretary-General in our common effort to reach universality. His presence here today is the best illustration of his commitment. But it is not a commitment that is merely symbolic in nature. The expressions of this engagement range from unequivocal public statements on international criminal justice to raising the ICC and ratification of the Rome Statute of the ICC in speaking notes in bilateral meetings. The ICC owes a great deal to Secretary-General Ban Ki-moon.

The second dimension is the universality of the fight against impunity. The agreement to fight impunity is not only expressed through ratifications of the Rome Statute. It is also and as importantly implemented when States fulfill their obligations to investigate and prosecute the most serious crimes under international law at the national level, in their national courts. This is the core concept of the Rome Statute which has established the ICC as a Court of last resort, and this must be the core of our response to the commission of these crimes. There are positive and important developments in this respect – and it is essential that we refer to this obligation of national judiciaries in our daily work to fight impunity, in particular also that we insist on compliance in the political bodies of the UN. The fight against impunity is not the domain of States Parties to the Rome Statute. It is the common responsibility of all States, parties or not parties to the Statute.

This is why the topics of complementarity and cooperation occupy a prominent role in our discussions at the Review Conference in Kampala. I am therefore convinced that this conference will make an essential contribution to advancing the universality of international criminal justice in more than one way.

* President of the Assembly of States Parties and Permanent Representative of Liechtenstein to the United Nations.

PANELISTS

H.E. Mr. Sigfrido Reyes *

I have the honor to participate in this panel as a Congressman and Deputy Speaker of the Legislative Assembly of El Salvador.

I am also pleased to represent here Parliamentarians for Global Action, a network of more than 1,300 legislators from around the world, from all political ideologies, which promotes political mobilization in favor of the rule of law internationally, and has been at the forefront of global civil society efforts advocating for an independent and effective International Criminal Court.

El Salvador is not yet party to the Rome Statute. However, my country currently has an opportunity to advance the cause of peace and justice by becoming party to the ICC. After a destructive civil war, which resulted in bloody mass crimes and other serious human rights violations, we have put our country on the path of democracy. From this perspective, we believe that adherence to the Rome Statute is an extremely important tool to ensure the protection of human rights and combating impunity.

On the road to accession we believe that our Parliament has a crucial role. Although our Constitution, like many other Constitutions, reserves onto the President the prerogative of signing international treaties, we believe the Parliament can play an active role in creating a favorable political environment to pave the way for ratification of the Rome Statute. For this reason, we are working to highlight the importance of the Statute, disseminating its contents and explaining its precise implications to the country. Currently we are discussing an initiative to make a congressional appeal to the Executive Government, encouraging it to send to Parliament, as soon as possible, the bill of accession to the Rome Statute for its ratification. As of now, I'm almost convinced that most members of Parliament, after the necessary political debate, would be disposed to vote in favor of El Salvador becoming the 112th State Party to the International Criminal Court.

In recent months, along with academics and human rights organizations, we have promoted a broad debate on the ICC within the various sectors of Salvadoran society. Working together we have raised awareness about the importance for the country and for the world of the ICC. The Ministry of Foreign Affairs has also done its part by convening two international conferences to better inform Salvadoran society about the nature of the ICC. In this matter, we are highly indebted to the President of the Assembly of States Parties, Ambassador Wenaweser, and other representatives from the ICC and relevant international organizations, for their respective cooperation in providing further information to the people of El Salvador on various critical issues regarding the Rome Statute.

As in all countries, and my country is not an exception, there are aspects of the Statute which generate some confusion. In El Salvador today it is clearly understood that the jurisdiction of the ICC is not retroactive, and it will be effective only in respect of crimes that might occur after its ratification. Indeed, this fundamental principle of the ICC, is consistent with the very objectives of national reconciliation in El Salvador.

On the other hand we have repeatedly stressed the complementary nature of the ICC, included as a central principle of the Rome Statute.

* Vice-President of the Parliament of El Salvador.

Indeed, the ICC should be seen not as an entity outside of each state, but rather as an extension arm of the judiciary of each State Party, which acts on behalf of the international community only where the State is unable or unwilling to do exercise its jurisdiction and only in the context of the crimes set out in the Statute, namely genocide, crimes against humanity and war crimes, and, when properly defined, the crime of aggression.

In El Salvador we have agreed with various distinguished jurists, that action by the ICC is appropriate if the Salvadoran system of justice were unable to operate properly in the sort of cases envisaged by the Rome Statute. Moreover complementarity is absolutely necessary to prevent the most serious crimes, and should not be controversial, since it is a key reminder of the obligation that every State has to ensure that such crimes will not go unpunished. In line with that, we, like others, have a vested interest in our territory not being used by those who have committed or plan to commit crimes of this nature.

On the understanding that the ICC is actually an extension of our own jurisdictional powers as a sovereign State and provides the guarantees to prosecute individuals as set out in the Rome Statute, we recognize that there is no conflict between our constitutional provisions and the Statute itself.

Personally I think El Salvador is bound by its past to be part of the ICC. Recently, 18 years after the end of the civil armed conflict, the President of the Republic formally asked for forgiveness on behalf of the Salvadoran State. He acknowledged that State agents, including the Armed Forces and public security forces and other paramilitary groups, committed serious human rights violations and abuses of power. Among those severe crimes the President mentioned: massacres, arbitrary executions, forced disappearances, torture, sexual abuses, arbitrary detentions and another acts of repression. All these abuses were perpetrated mostly against unarmed civilians.

Therefore, in the light of our recent history, the decision to join the Rome Statute, would mean significant moral reparation to the innocent victims of the past Salvadoran conflict, contributing as it would to prevent such actions against Humankind from happening again.

Our decision to ratify, in addition to being clearly in our national interest, is also an act of solidarity with the victims of international crimes in situations currently under the jurisdiction of the ICC, a vote of confidence on the actions taken by the international community to deliver justice to the people of the Democratic Republic of Congo, Uganda, Rwanda, Darfur in Sudan and Kenya. Those processes show substantial progress in the prosecution of crimes against humanity and war crimes and provide examples of the effectiveness of the ICC.

Our ratification, when it happens, will be also an act of solidarity with the victims of conflicts which unfortunately are beyond the jurisdiction of the Court, as is the case of Iraq, Afghanistan, Palestine and others.

The world will be more peaceful, safe and stable to the extent that all countries of the world opt for the prevalence of the rule of law, rather than the use of force. In this context I would like to underline the position of Parliamentarians for Global Action on the concept of the "Crime of Aggression", a central theme of the upcoming Review Conference.

As a matter of fact this crime is one of the four crimes listed in article 5 of the Statute as the most serious crimes of concern to the international community. The crime of aggression is not more or less important or serious than the other three crimes. All four crimes are acts committed by individuals, not abstract entities, and the four crimes threaten international peace and security.

The mandate of the Review Conference is to finalize the work of the Rome Conference that postponed the decision on the definition of crime of aggression and the conditions for the exercise of the jurisdiction of the Court.

The Working Group on the Crime of Aggression, so very ably chaired by Ambassador Wenaweser, agreed on a definition to be included in article 8. Although this definition may be imperfect, it is nevertheless a functional definition that must be included in the Rome Statute in Kampala. Clinging to legal perfectionism, in contrast, is boycotting the efforts to end aggressions.

There is some controversy about the conditions you impose on the Court to exercise jurisdiction over the crime. However, any decision must fully respect the judicial independence of the ICC. That is, neither the decision of a government, nor the Security Council may be imposed on the ICC, which must be able to determine whether or not an individual has committed an act of aggression.

Moreover, PGA considers that article 5, paragraph 2, of the Statute which provides that the definition and jurisdiction over the crime of aggression "must be consistent with the Charter of the United Nations", is central to the Rome Statute and generates the key link between the Court and the UN.

Finally, article 12 of the Rome Statute is also central to the principles and objectives of the Court. article 12 paves the way to the preventive effect of the Statute, motivating States to protect their territories. Also, article 12 reflects the current state of international law giving the Court jurisdiction over individuals who commit international crimes and who are nationals of a State Party or who have committed crimes in the territory of a State Party. The Court's jurisdiction over the crime of aggression should be subject to these principles. The claim that the Court may require acceptance of the State of the territory and the State of the national defendant to exercise its jurisdiction would put the Court in a situation where sovereignty is negotiated at the expense of humanity and the ability to protect a large number of potential victims.

This principle, the one of humanity, lies in El Salvador's aspiration to integrate into the community of 111 sovereign States that have already decided in favor of international cooperation, not force, to protect their citizens and humanity from these most serious crimes.

I reiterate, distinguished audience, my commitment to a successful conclusion of the efforts of ratification of the Rome Statute by the Republic of El Salvador. We look to the future with responsibility, with the fervent wish of ensuring to future generations the legal certainty that abominable crimes that have been and still are a disgrace for the humanity will be prosecuted and punished by a court independently and efficiently. It is my desire to see all nations of the world united in this effort, so essential for global peace and justice and the end of impunity.

Ms. Patricia O'Brien*

As the Secretary-General recalled earlier, the Review Conference in Kampala will be a milestone in the history of international criminal justice. At this historic moment, the United Nations will once again be by the Court's side, ready to support it to the full extent of its capacities. This is the reason why the Secretary-General will travel to Kampala in May to open the Review Conference as its Convenor. At the same time, he has made several senior officials of the Organization available to actively participate in the ensuing discussions as members of the panels which are being organized as part of the stocktaking exercise. In doing so, the United Nations hopes to share its rich experience in the field of international criminal justice with other stakeholders and to contribute to their efforts to strengthen the Court. I will have the honour to take part in the panel which will be dealing with the issue of cooperation.

Today, I would like to focus on the issue of the United Nations' support to the Court.

The Court is an independent international organization. Nevertheless, to discharge its mandate efficiently, it relies on the cooperation with States, both Parties and non-Parties to the Rome Statute, as well as with international organizations and NGOs. As has been said "the Court is independent but is also interdependent".

As we know, the primary responsibility to provide the Court with the cooperation it needs to discharge its mandate lies with the States. The United Nations as well as other international organizations and NGOs are limited in their capacities and are but a secondary source of cooperation on which the Court can count.

The United Nations, and, in particular, my Office, was a major advocate of the establishment of a permanent international criminal court and we played a significant role in the creation of the ICC. Since that day, our Organization has continuously voiced and provided its support for the Court and has encouraged all nations to become a party to the Rome Statute.

Parallel to the support expressed at the institutional level, the United Nations has, over the years, developed a partnership with the Court that allows it to provide, on a reimbursable basis, some of the legal assistance and logistical and administrative services which the ICC requires for its work. The UN-ICC Relationship Agreement of 2004 is the framework which provides the basis for this cooperation, while ensuring full respect for the independence and the respective mandates of both organizations. This agreement is based on the fundamental principle that, as far as the United Nations is concerned, the Organization will cooperate with the Court, whether it be in the administrative, logistical or legal field, whenever and wherever this is practically feasible, with due regard to the Organization's responsibilities and competence under the Charter and subject to the Organization's rules as defined under applicable international law. This implies that cooperation is also subject to established UN practice.

On the basis of the Relationship Agreement, the United Nations and the Court have put in place a working relationship that has since developed and, I think, grown stronger year by year. By now, most of the requests that the United Nations receives from the Court for its cooperation and assistance requests can be handled as a matter of standard procedure. This was only made possible because of the dedication and trust that both parties demonstrated in working together to overcome the many challenges that they encountered along the way.

* United Nations Under-Secretary-General for Legal Affairs.

A notable example of the success of this relationship is the Memorandum of Understanding between the Court and the United Nations Mission in the Democratic Republic of the Congo. This agreement sets out the procedures and conditions for the provision of services such as air and ground transportation, access to information technology facilities, engineering and construction assistance, vehicle maintenance, temporary overnight accommodation and even military support. The MOU with MONUC has significantly contributed to the ICC's work in the Eastern Provinces of the Democratic Republic of the Congo since 2005. An example of this success is the fact that the first witness to ever appear before the ICC was a MONUC Child Protection Adviser.

You will understand that, for a variety of reasons — the safety and security of UN personnel, the safety and security of those the Organization is mandated to protect, the need to avoid prejudicing the conduct of our operations — I will not be able to discuss the details of the specific cases in which the United Nations has provided support or legal assistance to the ICC. That said, I am looking forward to any opportunity to share the experience that the United Nations and particularly my Office have gained from the years of interaction with the Court as well as with the ad hoc and hybrid tribunals.

Mr. William Pace*

I am honored to represent the Coalition for the ICC, and our more than 2,500 NGO partners in 150 countries.

The adoption of the Rome Statute of the International Criminal Court, it deserves repeating, is one of the greatest advances in international law ever, and we are striving to ensure that the great hopes invested in this historic process and in the new international institution are achieved. The Rome Statute could not have been created without the committed effort of States, which agreed to include extraordinary provisions, including the principle of complementarity, the exclusion of reservations to the Statute, the irrelevance of official capacities, victims' rights, gender crimes, the independence of the prosecutor and the capacity to initiate *proprio motu* investigations, and the criminalization of war crimes when committed during non-international armed conflicts, among many other provisions.

The Review Conference is the most prominent, high-level event to be held in relation to the ICC since the 1998 Rome Conference. Coalition members are deeply engaged in the issues before the Review Conference and will no doubt have an important impact on proceedings there. The Conference comes at a major moment in the development of international justice, more than eight years after the entry into force of the Statute. During this period we experienced, and continue to experience, significant challenges to the peace and security system. The Conference also comes at a time when almost all of the *ad hoc* and special tribunals are coming to a close, and there is great concern about how their legacies will be protected and how their residual mandates will be fulfilled.

Furthermore, the Review Conference comes at a time when the world's most powerful government, after years of legal, political, legislative and diplomatic opposition to the ICC, has embarked on a period of reassessment and hopefully constructive reengagement. It is within this context that the current US administration will be sending a high-level delegation to Kampala. In particular, it must be noted that, partly due to the Review Conference amendments proposals, all the major powers that currently remain outside the Rome Statute system (USA, Russian Federation, China, and India, among others) are looking to the Review Conference and the next two years as a period of reevaluation.

Finally, the Review Conference comes at a time when 111 States have ratified or acceded to the Rome Statute. The majority of these are small and middle power democracies as well as emerging democracies, who in the Rome Statute process have demonstrated extraordinary independence from the biggest powers.

Therefore, we can say that the Review Conference is occurring at a major moment in geopolitical affairs. This is a good time to remind governments here today of one of the primary organizing principles of Rome 12 years ago – when the 70 or so Like-Minded Governments agreed on a remarkable approach – to adopt a treaty and establish a court that would “be worth having” and could work independently and effectively, rather than opt for a traditional process of adopting a weak treaty acceptable to all governments, but that would seldom be able to truly function.

With these opening comments, let me address directly specific issues before this seminar:

* Convener of the NGO Coalition for the International Criminal Court.

As you are aware, one of the main topics to be discussed in Kampala is the inclusion of the crime of aggression within the jurisdiction of the Court, as well as the determination of the elements of crimes and the conditions for the exercise of the Court's jurisdiction for said crime. Notwithstanding, the aggression negotiations invoke fundamental charter and constitutional issues. While the CICC as a whole has not taken a position concerning the adoption of specific provisions on the crime of aggression – due to the fact that CICC members have developed varying positions concerning the complex discussions on the crime – the Coalition strongly believes that, during the Review Conference, State Parties should approach the consideration of proposals concerning the crime of aggression on their merits and in a constructive and cooperative manner. Furthermore, the Coalition believes that, if consensus were reached on the definition of the crime of aggression, on the elements of the crime and on the conditions for the Court's exercise of jurisdiction over the crime of aggression, these should be adopted in light of a set of basic principles, which include the utmost observance to the independence of the Court; respect to the integrity of the Rome Statute; preservation of the integrity of the Court; guarantee of the highest international standards of fair trials and due process; as well as respect to the complementary role of the Court.

One of the core elements of the discussions in Kampala will be the stocktaking exercise and each of the four topics that have been identified: complementarity, cooperation, peace and justice, and the impact of the Rome Statute system on victims and affected communities. The stocktaking exercise should be treated as an integral part of the Review Conference, since it will allow extensive debate concerning the challenges and successes that have faced the Rome Statute system.

Complementarity is of course a centerpiece of the CICC's efforts, as for the past 12 years, we have worked with governments, NGOs, parliamentarians, ICRC, and other actors to promote not only the ratification of the Rome Statute but also the adoption of robust ICC legislation (both regarding the implementation of the crimes contemplated in the Rome Statute as well as provisions on cooperation with the ICC). The CICC does not take a position on the content of individual legislation but rather advocates that States make a commitment to enacting legislation. We provide governments with information on approaches taken by other States and connect them to civil society experts and others who can provide commentary and analysis to governments.

With regards to ratification and implementation of the Rome Statute, we welcomed the adoption of the Plan of Action on Promoting Universality back in 2006, and have worked closely with past facilitators (Mexico, Brazil, and Slovenia) and now with Slovakia, to further its goals. We have recently launched our own Plan of Action targeting our global membership which outlines strategies and actions which we hope our members and partners will undertake. The goal of these actions will be to increase commitment to the Rome Statute and the ICC and to ensure that the advances at the Review Conference are concrete and long-lasting.

In the lead up to the Review Conference we continue to call on States to express their support for the Court and take concrete steps to ratify and implement the Rome Statute and the Agreement on Privileges and Immunities of the ICC (APIC). We have encouraged States to send high-level delegations to the Review Conference and to ratify the Rome Statute by 1 April in order to become fully functioning States Parties with voting rights on 1 June, early in the Review Conference. Bangladesh subsequently ratified on 23 March 2010 thus ensuring that the Review Conference would be convened with 111 States Parties to the Statute.

We also encouraged States Parties and non-States Parties alike to step up their progress with implementing legislation and ratification of the APIC. Since December, Burkina Faso and the Philippines have enacted implementing legislation, Georgia has ratified the APIC and Brazil has submitted APIC ratification to its parliament. Other States, including Uganda, continue to move forward in these important areas. The implementation process can have a positive impact on national legal systems, as it provides an opportunity to reinvigorate the modernization of criminal and criminal procedural codes in countries around the world, resulting in better national laws with higher standards of justice and more complete jurisdiction over grave crimes. Once these laws are in effect, they can then be applied to a range of national cases—including ones that are outside the Court's mandate. In this way, work on implementation has a greater impact and purpose beyond the ICC.

To date, approximately 60 States have adopted partial or full implementation legislation on cooperation and complementarity with the Court, and a further 35 have advanced drafts in circulation, with a number of others likely to produce drafts in the near future. There are of course many challenges in these processes. A comparative review of the different ICC implementation laws that have been adopted shows that these are not uniform in terms of quality. In some cases, not all sub-categories of the crimes covered in the Rome Statute are included in domestic legislations (i.e. some laws include certain war crimes but not all of those included in article 8 of the Rome Statute, or leave out gender crimes, among others). Other laws implement crimes adequately but exclude the implementation of principles of international criminal law as designated by the Rome Statute. Nonetheless, a global overview demonstrates that there is a slow but steady drive towards strengthening national legal systems with the advances set forth by the Statute.

In addition, the Coalition has also worked closely with regional organizations and other stakeholders to promote the adoption of model legislation that can serve as a key tool to better equip States that do not have the capacity or the resources to focus on ICC implementation at the time. For example, in 2006 the CICC worked with the Organization of American States on the adoption of a series of guiding principles on cooperation with the Court which was distributed to all OAS member States.

The stocktaking exercise will also focus on cooperation with the ICC. Ascertaining effective cooperation procedures is crucial to the success of the Court. These procedures include the conclusion of framework agreements with the Court on enforcement of sentences, protective measures for witnesses and victims, and/or interim release of defendants; appointment of national ICC focal points; adoption of national policies toward the mainstreaming of ICC support; continued cooperation with the ICC by contributing to arrest operations and the executions of arrest warrants; promotion of Relationship Agreements or Memorandums of Understanding between international and regional organizations and the ICC; among others.

In terms of peace and justice, the Coalition is looking forward to a fruitful debate on this issue. These expectations arise from the deep belief that there can be no lasting peace without justice. The role of the ICC in guaranteeing a lasting peace must therefore be not only underlined but also evaluated in a constructive manner, taking into account the challenges and questions relating to the role of the ICC in ongoing peacebuilding efforts as well as the ability of the ICC to contribute to peace through deterrence. That the ICC, or more accurately the Rome Statute system, has become a major actor in global peace and conflict resolution within its first decade is itself a major testament.

The fourth aspect in the stocktaking issue is also an issue that is core to the mission of the Coalition and the role of the Court itself: the impact of the Rome Statute system on victims and affected communities. The stocktaking exercise will represent a crucial opportunity for victims to raise their concerns and their experience working in the field in related situations and cases. This will bring the Rome Statute closer to victims and to those working on these issues directly and will allow them to provide input, compare reflections and perspectives, and overall, raise their voices in Kampala.

Finally, the Coalition would like to emphasize that one concrete way to ensure that States present in Kampala make tangible commitments on the ICC is to encourage them to make pledges. Pledges represent the opportunity for States to reaffirm their commitment to the ICC, by promising to ratify and/or implement the Rome Statute and the APIC, to work with other States that need technical assistance, to promote universal acceptance of the Court, and to continue to defend the integrity and spirit of the Statute and bestow upon it their full political and diplomatic support.

On a final note, I can not stress enough that it is a tribute to the Assembly, the RC and the ICC that hundreds of NGOs throughout Uganda and Africa and from all over the world will be coming to Kampala for the Review Conference. We hope that these negotiations allow nations and civil society to recommit to this historic global partnership for peace and international justice.

STATEMENTS

H.E. Mr. Eduardo Galvez*

Efforts have been under way for a long time on the international scene to create a forum of international jurisdiction. It was not until the end of the Cold War and especially when the United Nations, through the Security Council, took on a new role in the maintenance of international peace and security that the objective conditions were created for significant progress in the establishment of an international criminal court with permanent standing.

An important milestone in this process was the creation by the UN Security Council of the International Criminal Tribunals for the former Yugoslavia and for Rwanda. As we know, these Tribunals were basically transitional and temporary and they also had limited territorial jurisdiction with little scope for generating international criminal case law with truly universal applicability.

The adoption of the Rome Statute marked a turning-point at which the international community could be said to have laid the essential foundations for a universal and permanent international justice designed, *inter alia*, to end impunity for the most serious international crimes and to promote the maintenance of international peace and security. Moreover, the Rome Statute is an important instrument for promoting respect for international humanitarian law and human rights.

In the opinion of Chile, the fact that for the first time ever States voluntarily decided to establish an international tribunal with the characteristics of the ICC, for the purpose of bringing to justice individuals responsible for the most serious international crimes, represents a significant development of international law and an important step towards the creation of international justice, which also corresponds to a goal widely sought by the international community.

An important aspect which should be highlighted in the system of the Statute of the ICC is the role incumbent on States, which are primarily responsible for crimes within the jurisdiction of the ICC, so that the Court has complementary jurisdiction to that primarily exercised by States.

Since it was established, the ICC has proved to be an effective tribunal and we hope that it will also be an important deterrent to the commission of crimes in certain cases.

In addition, Chile believes that only universal ratification of the Statute of Rome will allow the ICC to be a really useful and effective tool to combat impunity. Consequently, this is the reason why Chile is a party to the Statute.

As we have said, this instrument is the fruit and the reflection of the will of the entire international community. The large majority by which the text was adopted reflects this fact. This was also reflected in the rapid attainment of the number of ratifications required for its entry into force. Not many multilateral treaties have achieved a similar result in a relatively short space of time.

In addition, it can be said that the Rome Statute is gradually becoming universally accepted. This is shown by the fact that the States which have become party to it represent all the regions of the world and that some regions have a large number of accessions – Europe, Africa and Latin America, among others. The 111 States that are now Parties to the Statute are definite proof of this.

* Permanent Representative of Chile to the United Nations.

It is our hope that the Assembly of States Parties to the Statute will continue to follow an approach designed to achieve the greatest possible number of ratifications or accessions to the Statute. In this way, the goal of universal justice can be achieved. The more States members of the international community that become parties to the Statute, the greater will be the recognition of the work of the ICC.

This Seminar demonstrates the efforts that should be made to this end by all States parties. Civil society can also contribute its know-how.

In conclusion, I should like to congratulate Slovakia on having organized this magnificent Seminar and on its tireless work to achieve universal acceptance of the Statute.

H.E. Mr. Norihiro Okuda*

Allow me first of all to express my gratitude to Foreign Minister Miroslav Lajčák and Ambassador Milos Koterec of Slovakia for convening this Seminar. On behalf of one of the countries co-sponsoring this event, I would like to thank the distinguished speakers for their contributions, to which I have listened with great interest.

I would like to add a few words on some of the issues we are discussing today. In Japan's view, there are currently three major challenges for the ICC. They are complementarity, sustainability and universality.

As is clearly stipulated in the Rome Statute, and as was reiterated by the previous speakers, the ICC is based on the principle of complementarity. National courts play the primary role to prosecute and punish the designated crimes. The ICC is a court of last resort. This principle is not always understood correctly, and it sometimes generates the misunderstanding that the ICC intervenes in matters under national jurisdictions. The ICC is carefully structured to complement national criminal jurisdiction, and I think it is worth underlining this basic principle of complementarity.

Second, the ICC needs to be developed steadily and carefully within its limited resources. Thus we always need to bear in mind the systemic sustainability of the ICC. From this point of view, I believe that the procedures of the ICC should be more effective, efficient and accountable and should not be overburdened.

Third, universalization of the ICC is of the utmost importance, as stressed by Secretary-General Ban, Foreign Minister Lajčák and others. Japan particularly feels obliged to help increase the number of States Parties in the Asian region, in light of the fact that currently, out of 111 States Parties, only 15 are from Asia. It is unfortunate that, given the current level of Asia's geographical representation, the views of the region cannot be fully reflected in the field of international criminal justice through the ICC. The Court needs to be a more universal institution.

Fully aware of its role in the region, Japan has made efforts in this regard through its bilateral contacts as well as in regional fora. Recently, the Government of Japan, together with the Government of Malaysia and the Asian-African Legal Consultative Organization (AALCO), sponsored a round table meeting of legal experts on the forthcoming Review Conference of the Rome Statute, held in Malaysia. We actively explained the significance of joining the Rome Statute while sharing our experience and expertise in the ratification process.

In closing, I would like to echo the speakers before me in calling upon all States to ensure high-level participation in Kampala. In addition to its official agenda, the Review Conference provides a good opportunity to exchange views on the important issues of the ICC and international criminal justice.

* Deputy Permanent Representative of Japan to the United Nations.

H.E. Mr. Jim McLay*

I thank Ambassador Koterec and Slovakia for the initiative of organizing this seminar, and the guests of honour for their addresses. New Zealand is a strong supporter of the International Criminal Court and the Rome Statute; and we welcome this kind of dialogue in New York to deepen understanding of the Court and of the challenges for international criminal justice. This is especially important as we prepare for the Kampala Review Conference next month.

I have been asked to provide a brief update on the ICC in the South Pacific region. As you know, there has been no investigative activity in our region; the focus has been instead on the goal of universal participation and implementation of the Rome Statute. Achieving that goal is a key challenge for international criminal justice.

The Pacific region is not well represented in the ICC. We account for just 7 of 111 States Parties: Australia, Cook Islands, Fiji, Marshall Islands, Nauru, Samoa and New Zealand. Solomon Islands has signed the Rome Statute, and Papua New Guinea has expressed an interest in ratification.

However, that low membership does not necessarily indicate a lack of interest, but rather a lack of capacity. Particularly, it is difficult for countries in our region to cope with the demands and costs of the legislative change and development that is needed; and Justice and Foreign Ministries face many competing priorities, both domestic and international, including keeping up with requirements relating to terrorism, money laundering and drug smuggling.

There is work underway designed to overcome these obstacles. A high-level seminar was hosted by Australia in 2007; and a regional workshop hosted by Samoa and the ICRC in August 2008. These activities aimed to increase knowledge about the ICC in the Pacific region; to encourage parties to ratify; and to help States that want to do so to adopt suitable implementing legislation. In 2008, the Secretariat of PILON – the Pacific Islands' Law Officers Network - a network of senior public law officers, compiled a guide to implementation assistance available to PILON members whose States wish to accede to the Rome Statute.

Overall, however, our regional priority in preparing for the Review Conference will be to continue to support the Court, and to work towards universal ratification and implementation. We believe increased ratifications can improve security in the region and help to deny a safe haven to the perpetrators of egregious crimes.

* Permanent Representative of New Zealand to the United Nations.

H.E. Ms. Marina A. Valere*

I have the honour to convey to the Permanent Mission of Slovakia, the appreciation of my Government for the invitation extended to the Republic of Trinidad and Tobago to be a co-sponsor of, in our view, this important seminar on the International Criminal Court, entitled, "Review Conference: Key Challenges for International Criminal Justice". Its hosting is most timely, as States Parties and others continue to prepare for the convening of the Review Conference to be held in Kampala, Uganda next month.

The Review Conference is indeed a time to contemplate on the current challenges to international criminal justice since the adoption of the Rome Statute of the International Criminal Court (ICC) in 1998. We now have a court that is functional and ever mindful of the mandate entrusted to it under the Rome Statute, that is, to prosecute those accused of committing the most serious crimes of concern to the international community; namely, genocide, war crimes, crimes against humanity, and when defined, the crime of aggression. But how satisfied are we with the pace at which the court is discharging its mandate? Are States Parties and other relevant entities cooperating adequately with the ICC as envisaged under the Statute?

The Court has made tremendous strides since the election of its first bench of judges and became fully operational. We have witnessed the start of trials and have begun to benefit from the jurisprudence being developed based on its early decisions. These early pronouncements have enriched existing international criminal jurisprudence developed over the years by the ad hoc international criminal tribunals. We await the eventual outcome of the Lubanga Dyilo and other cases which are essential to providing justice to the victims of grave crimes, as well as contributing further to the credibility of the court, as an efficient and effective mechanism geared towards assisting the international community in the promotion and maintenance of international peace and justice.

Trinidad and Tobago continues to have concerns, however over the apparent failure of some States Parties and other States to cooperate fully with the Court in keeping with their requirements under the Statute. The failure to arrest and surrender to the Court individuals for whom arrest warrants have been issued is not only a breach of treaty obligations, but also has the effect of undermining international criminal justice.

We also have concerns over the fact that a large number of States Parties have failed to enact domestic legislation incorporating the provisions of the Rome Statute, and even fewer have ratified the Agreement on Privileges and Immunities. These are among the challenges to be addressed as we begin our journey to Kampala.

The Review Conference provides participants with the opportunity to assess the state of international criminal justice since the 1998 conference and Trinidad and Tobago is satisfied that issues relating to victims rights, complementarity and the universality of the Statute will be addressed in the course of discussions. These are also components of the delivery of justice to those who have fallen prey to the actions of international criminals, and the prevention of impunity.

* Permanent Representative of Trinidad and Tobago to the United Nations.

Notwithstanding, the other items on the agenda of the Conference, Trinidad and Tobago is of the view that the Review Conference must adopt a definition of the crime of aggression, with a corresponding provision on the exercise of jurisdiction over that crime by the Court. Such a provision must also preserve the independence of the Court and not subject it to the jurisdiction of any other body. If we fail to achieve this objective at Kampala, we would have made a few steps backwards in the promotion of international criminal justice. As defenders of the Court, we must seek to tackle those obstacles which are working against the adoption of a definition of the crime of aggression for reasons which are not justifiable, by any objective standard.

Trinidad and Tobago is ready to continue to work with all those who have travelled the road from Rome, with the expectation that further success would be achieved in Kampala.

H.E. Mr. Baso Sangqu*

The adoption of the Statute of the International Criminal Court was a historic achievement reflecting the international community's fulfilment of the pursuit of a permanent international institution to combat impunity which began with Nuremberg Tribunals after World War II.

Now, nearly eight years after the entry into force of the Statute, we have another opportunity to make history by reviewing the Statute. We would thus be inclined to characterize the Review Conference more as an opportunity rather than a challenge as may be suggested by the title of the seminar. This is not to say that there are no challenges, for surely there are challenges – but even where challenges exist, the Review Conference provides an opportunity to address them.

There are many issues that will be tackled in the course of the Review Conference, namely the crime of aggression, the review of the transitional clause contained in article 124, the Belgian proposal for amendment of article 8, the Norwegian proposal on enforcement of sentences and of course, the stocktaking exercise with its four topics: complementarity, peace and justice, cooperation and victims and affected communities. I will say a few words on only a few of them.

The crime of aggression, which will be the main issue under consideration, provides an opportunity for us to complete work that was uncompleted in Rome. In Rome we gave the Court jurisdiction over the crime of aggression; but we prevented the Court from exercising that jurisdiction until such a time that we can arrive at a definition and the condition under which jurisdiction may be exercised have been agreed. While many have questioned whether the time is ripe for the adoption of the crime of aggression our view remains that the Statute will not be finalised until the definition for aggression has been agreed. Lest we forget, the crime aggression has the potential to fuel all the other crimes in the Statute.

We are also ill at ease with the position pushed by a minority that the jurisdiction of the Court with respect to the crime of aggression should be subject to the will of the Security Council. We have been told that this is consistent with the UN which Charter bestows upon the Council on “exclusive mandate” to determine the existence of an act of aggression. Yet, when one reads the Charter one finds that the Council only has “primary” responsibility over the act of aggression and not an “exclusive” mandate. This more limited interpretation of the Council's powers is buttressed by articles 10 to 14 of the Charter which sets forth the powers of the General Assembly and includes therein, the mandate to consider international peace and security matters.

We also find the stocktaking exercise to be of major importance for the Review Conference as it provides an opportunity to take stock of the impact that the Statute has had and can have on the promotion of international criminal justice and the fight against impunity. One of the challenges that the Court has faced over the last two or so years has been the question of peace and justice. Our views on peace and justice have been elaborated many times, including at a seminar organized at a more or less the same time by the Permanent Mission of Slovenia last year when our Permanent Representative was a member of the panel. The Review Conference provides an opportunity for States Parties to declare with one voice that peace and justice go hand in hand.

* Permanent Representative of South Africa to the United Nations.

Similarly, the Review Conference provides an opportunity to take forward the notion of positive complementarity i.e. the taking of measures to enhance the ability of domestic legal systems to deal effectively with international crimes of concern to the international community.

We trust that the opportunity presented by the Review Conference to strengthen the international criminal system will not be missed. The challenges that may be present should not be used as excuses to miss the opportunities, but should rather strengthen our resolve.

Mr. Peter Schwaiger*

Introduction

In 1998, 138 States took a momentous step forward when they adopted the Rome Statute, creating for the first time in history a permanent international court to ensure that perpetrators of crimes of genocide, crimes against humanity and war crimes are held accountable. Less than four years later, in April 2002, as a result of the unprecedented support for the new Court, the 60th State ratified the Rome Statute and the Court was established with jurisdiction to investigate and prosecute crimes committed after 1 July 2002.

This Court is now fully operational but it is only a court of last resort. The primary responsibility for bringing offenders to justice lies where it should, with States themselves. In a perfect world we would therefore never have to resort to such a Court. However, the reality is that there are times where individual States do not investigate and prosecute offences.

The Court will also act as a catalyst for States to indeed investigate and prosecute cases before their national courts. Justice will become a deterrent to future crimes as persons will never again be able to plan and commit crimes safe in the knowledge that they will not be held accountable. Instead of being forgotten, victims will see justice for the crimes they have suffered and will be granted full reparation to help them rebuild their lives.

The Member States of the European Union (EU) have been staunch supporters of the establishment of the Court as an essential mechanism in a new system of international justice designed to end impunity, which in recent history, has seen millions of people subjected to these crimes but only a handful of those responsible brought to justice. Europe's past, and the memory of colonialism and holocaust, has marked its view on the need for such a system.

The EU views an effective ICC as an indispensable instrument of the international community to combat impunity and promote a rules-based international order.

Over the years, EU policy on the ICC remains unchanged, and undiminished. The EU has consistently taken the view that the setting up of the Court is a vital development for international peace and justice, and the international rule of law.

The EU has a Common Position – an instrument of EU foreign policy which legally binds EU Member States - through which our Member States have agreed to support the Court, both politically and financially. This is supplemented by an Action Plan which sets out in greater detail how the Common Position is to be implemented. Policy tools include:

- (a) raising the ICC at senior level in all bilateral meetings;
- (b) creating a network of ICC focal points in EU Member States and Institutions;
- (c) committing to providing technical assistance where requested to states that are implementing the Rome Statute; and
- (d) negotiating an ICC clause reaffirming the most serious international crimes must not go unpunished in all bilateral agreements with regional organizations and third countries.

The European Commission has also funded civil society organizations working to promote the adoption of the Rome Statute.

* Deputy-Head of the European Union Delegation to the United Nations.

EU Political support to the ICC

Since 2002, the EU Presidencies has carried out over 320 demarches targeting more than 100 third countries and international organizations to encourage the ratification and implementation of the Rome Statute, as well as ratification of the Agreement on Privileges and Immunities, and to highlight the EU guidelines on bilateral non-surrender agreements.

The importance of supporting the ICC is also raised with third countries, as appropriate, at political dialogue meetings and Summits.

For example, in 2008, during the EU-South Africa Summit, both partners agreed to putting an end to impunity in Darfur by means of the ICC (Bordeaux, 25 July 2008). In the EU-Canada Summit press declaration, both sides reaffirmed their commitment to the fight against impunity and called on Sudan to cooperate with the ICC (Quebec City, 17 October 2008). At the EU-Republic of Korea Summit, leaders reiterated their full support for the ICC and its key role in ensuring accountability for the most serious international crimes (Seoul, 23 May 2009).

EU Statements and Declarations are used to support the Court's work or to signal important landmarks.

The declaration made by the EU on the 10th anniversary of the ICC underlined its full support to the Court in fighting impunity, for the rule of law, its commitment to promote universality and to protect the integrity of the Rome Statute (Brussels, 16 July 2008). Following the important landmark of the Prosecutor's applications for an arrest warrant to prosecute the President of Sudan and the rebel leaders, the EU issued statements where it recalled that the ICC plays a fundamental role in the promotion of international justice (15 July and 24 November 2008 and again on 6 March 2009). In its Declaration on the situation in the DRC, the EU called on all stakeholders to cooperate with the ICC (20 February 2009). The EU also welcomed the ratification of the Rome Statute by Chile and by Bangladesh.

The EU does not just make public statements and declarations, however, it also takes political initiatives to pursue the objectives set out in the Common Position.

Cooperation with other partners

In the framework of its bilateral relations with Japan, Brazil, Canada and Australia, expressed in different instruments (Action Plan for EU-Japan Cooperation 2001, joint statement by the EU and Canada at the conclusion of the 2002 Summit, EU-Australia Partnership Framework 2008 and EU – Brazil Action Plan 2008) the EU and these partners seek co-operation to strengthen its action in support of the universality of the Rome Statute. At the last session of the Assembly of States Parties to the Rome Statute, the EU and these partners agreed in promoting universality and implementation of the Rome Statute through increased cooperation.

The role of EU Special Representatives

The EU currently has eleven Special Representatives (EUSRs) in different regions of the world. The EUSRs promote EU policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law.

Some of these EUSRs have a clear mandate related to the ICC such as the EU Special Representative for Sudan¹, who has to follow the situation and maintain regular contacts with, among others, the Office of the Prosecutor of the ICC. Other EUSRs play also an important role in cooperating and promoting the ICC in their respective areas, namely the EUSR for the Great Lakes or the EUSR for Moldova.

ICC clauses

Furthermore, as part of its action plan, the EU pursues systematically the inclusion of an ICC clause in the negotiating mandates and agreements with third countries.

To date, an ICC clause has been agreed in the Partnership and Cooperation Agreements (PCAs), Trade Cooperation and Development Agreements (TDCAs) and Association Agreements (AAs) with Indonesia, South Korea, South Africa, the Andean Community, Ukraine and Iraq. ICC clauses are currently being negotiated in the PCAs and AAs with Singapore, Thailand, Malaysia, The Philippines, Brunei Darussalam, Vietnam, China, Libya, Russian Federation and Central America.

In the framework of the European Neighbourhood Policy (ENP),² ICC clauses are included in the Action Plans with the following countries: Armenia, Azerbaijan, Egypt, Georgia, Jordan, Lebanon, Moldova and Ukraine.

Support to the ICC in UN fora

EU support to the ICC is also expressed within the framework of the United Nations. After the presentation of the Fourth Report of the ICC to the UN General Assembly in late October 2008, all 27 EU Member States rallied behind the annual resolution in support of the ICC and issued a statement on that occasion (30 October 2008). The EU played an active role in the adoption of UNSCR 1593 (2005) authorizing the Security Council – for the first time – to refer a case to the ICC.

EU technical and financial assistance to ICC

The relevant framework for the provision of technical assistance to interested States is set out under the EU Action Plan. Diverse forms of assistance are envisaged, much of which is directed at the deployment of experts from and by Member States.

The EU also has elaborated a list of experts³ to provide countries with technical assistance. The EU experts may be mandated to provide technical assistance on behalf of the EU, including the following tasks such as:

- (a) Co-operating with requesting third States in any technical issue related to the participation in and implementation of the Rome Statute and its instruments, and with any form of co-operation with the ICC;

¹ Article 3 f) of Council Joint Action 2007/108/CFSP of 15 February 2007 extending the mandate of the EUSR for Sudan JO L 46 of 16 February 2007.

² http://ec.europa.eu/world/enp/documents_en.htm.

³ Please address the EU focal point for further information on this point.

(b) Participating in seminars, symposiums, conferences or any other national or international event, either of academic or of official character, as well as to relevant civil society events, as may be necessary for the widest dissemination of the values, principles and provisions of the Statute and related instruments, as well as for the implementation of the Common Position, and for the co-operation of the EU with the ICC.

Since 1995, the European Commission has funded civil society organizations working to promote the adoption of the Rome Statute and its subsequent entry into force under the European Initiative for Democracy and Human Rights. Since 2000 the Commission has provided further funding of € 29 million to the global ratification campaigns undertaken by civil society organizations. The European Commission has been the principal financial supporter of many of these organizations whose work has gone a long way in increasing the ratification rate of the Rome Statute and awareness of the mandate of the Court.

Since 2004 the European Commission has also directly supported the Court's Internship and Visiting Professional's Programmes with grants totaling more than € 5 million⁴ to date, and will continue to do so in the future. This has strengthened awareness of the Court's mandate and proceedings among key personnel from national ministries and legal communities and enhanced the practical implementation of the principle of complementarity. A number of participants in previous programmes are reported by the Court to have already contributed substantially to stimulating ratification processes in their respective countries.

EU-ICC Agreement on cooperation and assistance

The EU was the first regional organization to sign with the ICC an agreement on cooperation and assistance on 10 April 2006⁵. The agreement places a general obligation of cooperation and assistance between the EU and the ICC and foresees, inter alia, the regular exchange of information and documentation of mutual interest. The agreement does not apply to ICC requests for information from individual Member States, which are governed by bilateral arrangements, nor does it affect the competence of the European Community to achieve the objectives of the agreement through separate measures.

The EU and the ICC finalized in April 2008 the implementing arrangements concerning exchange of classified information. This agreement will undoubtedly lead to a further deepening of the EU's cooperation with the Court.⁶

However, the EU has already assisted the Office of the Prosecutor (OTP) on several occasions such as:

(a) Democratic Republic of the Congo (DRC): Support from the EC delegation, the EUSR for the Great lakes, the EU electoral mission, EUPOL and EUFOR in facilitating information and contacts locally. The EU has supported NGO's working in the fight against impunity, good governance and justice.

(b) Darfur: Assistance from the EUSR and the EU Member States seconded Military observers. The EU Satellite Center provided the OTP with a number of products on requested location of interest, including imagery and analyst reports.

⁴ Included in the € 29 million referred to previously.

⁵ JO L 115 of 28 April 2006 p. 49-56.

⁶ Docs 8349/1/08 REV 1 and 8410/08.

Another area of cooperation is the hosting by the European institutions of ICC diplomatic debriefings in Brussels. The Council of the EU has hosted ICC debriefings to the diplomatic corps four times between 2006 and 2009.

Network of contact points in respect of persons responsible for genocide and crimes against humanity

The ICC remains complementary to national systems of criminal law. In the Council common position on the ICC, the EU Member States expressed their determination to work together to combat certain forms of crime; that's the reason why the Council adopted a Decision⁷ in 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes. The purpose of this Decision is to make cooperation between the Member States in combating genocide and crimes against humanity more efficient and to designate a contact point for war crimes within the police and justice systems of each Member State.

Each Member State has designated a national contact point for the investigation of genocide, crimes against humanity and war crimes. The contact points will provide information on request or *motu proprio*. The investigation and prosecution of genocide, crimes against humanity and war crimes continue to be the responsibility of national authorities.

The network has met six times. The 6th meeting took place on 23 and 24 April 2009 in The Hague. Representatives of the ICC participate in these meetings.

EU and Kampala Review Conference

We are now close to the Review Conference of the Rome Statute in Kampala.

The EU as such, not being a member of the ICC, will not negotiate the amendments to the Rome Statute in Kampala. But the Review Conference will be more than discussion of amendments. It will offer the opportunity to take stock of the developments in international justice during the past ten years. The EU as a close friend of the ICC and an observer at the Conference will offer its views in this exercise. We will also look into the ways in which we can contribute to the implementation of the commitments and decisions taken in Kampala and to contribute to the further development of the ICC system.

⁷ Decision 2002/494/JHA of 13 June 2002. OJ L 167 of 26 June 2002.

Mr. Ebenezer Appreku*

We do not seek to join the Rome Statute in order to use to interfere in the affairs of other States. Ghana's decision to become a party to the Rome Statute was motivated by a commitment to fight impunity and promote respect for international human rights and humanitarian law and the rule of law.

I emphasize the imperative need for universalization of the Rome Statute so that there will be no safe havens for the crimes the Statute seeks to deter, prevent or punish. I call attention to the significance of the responsibility placed under the Statute for the Secretary-General to cooperate with the ICC, a responsibility he discharges in the name of the Organization which is made up Member States both States Parties and non-States Parties alike. The Secretary-General's role in leading UN 's cooperation with the ICC is one reason we should strive for universality which remains the ultimate goal of the framers of the Statute right from the earliest days when the idea of a permanent international criminal court was conceived.

* Deputy Permanent Representative of Ghana to the United Nations.

Ms. Elise Keppler*

Human Rights Watch would like to follow-up on the matter of pledges, which has been raised by some of the panelists. From Human Rights Watch's perspective, the process of pledging is a critical way to ensure concrete outcomes to the Review Conference in Kampala, and to ensure continued advances by states that will enable the ICC to achieve its mandate.

In this statement, we wanted to highlight a couple of issues with regard to pledges that we believe enhance their feasibility.

First, pledges can be made with respect to plans that may already be under consideration by States. An example of this could be with regard to a State Party undertaking efforts to promote ratification by other states in its region. At the same time, the process of pledging can allow States to advance and make more concrete plans that have been under consideration.

Second, pledging can go to a range of initiatives that do not relate to financial commitments – such as appointing an ICC focal point within a government – and so need not be restricted to States in the position to allocate additional resources. Nevertheless, pledges involving financial commitments – such as a pledge to contribute to the victim's trust fund – are also welcome.

Third, pledges can relate to both mandatory and non-mandatory obligations regarding the ICC. Some States have queried as to why pledging would be appropriate with regard to pre-existing binding obligations they have as ICC States Parties. Pledges, however, can help to identify benchmarks and dates for implementation of obligations. As such, pledges can help to advance States meeting their obligations without negating their mandatory nature.

Organizations such as Human Rights Watch and the Coalition for the ICC stand ready to assist States as they identify their pledges by the 14 May deadline. Additional information from the Assembly of States Parties President and ICC President as to how the Assembly and the Court may be able to assist States in regard to pledges would also be welcome.

Before closing, Human Rights Watch would like to take a moment to highlight as well the importance of preparations by States for the Kampala Conference in order to ensure its success. This includes by having inter-ministerial discussions in capitals – including on pledges and the stocktaking topics – and identifying high-level officials to participate in the conference.

* Senior Counsel, International Justice Program, Human Rights Watch.

H.E. Mr. Celestino Migliore*

The Review Conference of the ICC provides an opportunity for States to assess the progress and the challenges to creating a more just society which puts human rights and dignity at the center of its policies to enhance accountability, stability and lasting peace.

While there remains a number of pragmatic and procedural hurdles to greater implementation of international criminal justice, many of which were discussed today, at the core of implementation is the need to understand what it means when we speak of “justice.” As Pope Paul VI stated nearly forty years ago, “if you want peace, work for justice.” However “justice” rightly understood, encompasses more than criminal prosecution, ending impunity or seeking criminal accountability, all of which play a part, but it also encompasses a broad range of social, economic, judicial, political and personal considerations which hold people accountable for crimes, allows victims to have a voice, creates a society which respects human rights and provides for rehabilitation of the survivors, communities, States and even the perpetrators. Thus “peace” and “justice” should not be seen as in opposition to one another but rather must complement one another.

The adoption of the Rome Statute was an important development in promoting global justice. Through its recognition that certain violations of human rights were so egregious as to be a violation against humanity itself, the international community maintained that human rights are not limited to national, political or economic status but rather are truly universal and as such the ICC can complement national juridical systems which cannot act or refuse to act.

To achieve this justice on an international level, trust between and amongst States is vital to ensure that the tools for implementing criminal justice do not become the weapons for domination and retribution. Thus the Review Conference provides an opportunity to assess whether the promise of the Rome Statute is achieving these aims through an open, transparent and honest discussion of the needs and limits of international criminal justice systems.

* Permanent Observer of the Holy See to the United Nations.

Mr. Zénon Mukongo*

A few months ago when, speaking before the General Assembly, we said, and I quote:

"At times like these and in certain corners of the world, we often turn to experts in international criminal law and to the writings of people learned in doctrine to try to define and understand the true magnitude of war crimes, crimes against humanity or genocide. In the Democratic Republic of the Congo, a post-conflict country where what some have called the first African world war took place, every individual, educated or not, can define such heinous crimes from his or her perspective as victim, witness or perpetrator, or whether he or she has been affected directly or indirectly." End of quote. This quote reflects the importance we place on the work of the International Criminal Court and the principles that govern it including cooperation, complementarity, peace and justice, universality and the plight of victims.

The importance of cooperation

The Democratic Republic of the Congo (DRC) was the very first State Party to develop meaningful cooperation with the Court. The cooperation between the DRC and the Court clearly makes it a model of such cooperation, to which several legal instruments attest:

(a) The DRC did not wait for the Rome Statute to enter into force before ratifying it. It ratified it on 30 March 2002, more than three months before its entry into force;

(b) The DRC took the initiative to refer its situation to the ICC on 3 March 2004. It signed an agreement of judiciary cooperation with the Court on 6 October 2004 and reached an agreement of judiciary assistance with the United Nations Mission in the Democratic Republic of the Congo (MONUC) and with the ICC;

(c) With respect to the proceedings before the Court, the DRC has three times correctly executed arrest warrants issued by the ICC against its own nationals;

Complementarity and the implementation of the Rome Statute of the International Criminal Court in the DRC

President Song that made the finding did not hide his surprise to see the Bunia military court apply directly the Statute of the ICC. By way of clarification, I should say that the scope, frequency and severity of the acts of sexual violence that plagued certain parts of the DRC and whose commission is continuing in others, several initiatives have been taken locally. This, despite the dilapidated state of the local judicial apparatus, to prevent and severely punish crimes relating to sexual violence and ensure support for victims robbed of their dignity, their physical and moral integrity, or even their lives. This resulted in the adoption of Act No. 15 of 1 August 2006 on sexual violence.

This Act amends and supplements the Congolese penal code by incorporating the rules of international humanitarian law relating to crimes of sexual violence and takes full account of the protection of those most vulnerable including women, children and men victims of such acts.

* Legal Adviser, Permanent Mission of the Democratic Republic of the Congo to the United Nations.

For their part, the courts have not failed to give a new impetus to the consideration of this issue. Conviction by a military court in Kananga of two soldiers to 18 and 17 years in jail on 3 June 2006 for the rape of 13 year old girls, and the verdict of Mbandaka of 21 June 2006 condemning eight soldiers convicted of rape to life imprisonment are powerful examples of the way the Congolese justice system is attending to the matter. One might also cite the following:

(a) The *Songo Mboyo* case (appeal of 12 April 2006) where soldiers were sentenced to penal servitude for life, for mass rapes and crimes against humanity, under the Statute of the ICC;

(b) The decision of the Bunia garrison court whereby the FARDC captain, *Blaise Bungimasaba*, was sentenced to life imprisonment, under the Rome Statute, for war crimes, looting and murder (see judgment RP 018/2006 of 27 March 2006); and

(c) The case of the massacres of BAVI, trial of the MONUC military observers of 19 February 2007 when troops were sentenced to life imprisonment for war crimes under the Statute of the ICC.

The Kampala Review Conference

The DRC well understands the concerns of those who think that the success of the Review Conference should not be linked to the issue of the crime of aggression. It believes nevertheless that Kampala is the place where this issue must be carefully scrutinized, in accordance with articles 5 and 123 of the Rome Statute. To do otherwise would constitute not only a serious violation of the Rome Statute, but it would amount to a loss of time and wasted energy and would reduce the Review Conference to a mere exercise in taking stock of international criminal justice – as if we really needed to go to Kampala and to mobilize so much money and energy to take stock of international criminal justice. Certainly, we believe that Kampala should produce concrete results. We will not allow this important review conference to be diverted from its main objective namely, to define the crime of aggression and determine the conditions for the exercise of the jurisdiction of the Court with respect to this crime, and become just a stocktaking conference.

PROGRAMME

Programme

United Nations
10:00 am – 1:00 pm

Opening remarks:

- H.E. Mr. Miloš Koterec, Permanent Representative of Slovakia to the United Nations

Guests of Honour Speakers:

- H.E. Mr. Ban Ki-moon, Secretary-General of the United Nations
- H.E. Mr. Miroslav Lajčák, Minister of Foreign Affairs of Slovakia

Addresses by:

- H.E. Judge Sang-Hyun Song, President of the International Criminal Court
- H.E. Mr. Christian Wenaweser, President of the Assembly of States Parties, Permanent Representative of Liechtenstein to the United Nations

Panel discussion:

“Review Conference: Key challenges for International Criminal Justice”, followed by a question & answer session; moderated by Mr. David Tolbert, President of the International Center for Transitional Justice.

Panelists

- H.E. Mr. Sigfrido Reyes, Vice-President of the Parliament of El Salvador
- Ms. Patricia O’Brien, United Nations Under-Secretary-General for Legal Affairs
- Mr. William Pace, Convenor of the NGO Coalition for the International Criminal Court

Statements

- H.E. Mr. Eduardo Galvez, Permanent Representative of Chile to the United Nations
- H.E. Mr. Norihiro Okuda, Deputy Permanent Representative of Japan to the United Nations
- H.E. Mr. Jim McLay, Permanent Representative of New Zealand to the United Nations
- H.E. Ms. Marina A. Valere, Permanent Representative of Trinidad and Tobago to the United Nations
- H.E. Mr. Baso Sangqu, Permanent Representative of South Africa to the United Nations
- Mr. Peter Schwaiger, Deputy-Head of the European Union Delegation to the United Nations
- Mr. Ebenezer Appreku, Deputy Permanent Representative of Ghana to the United Nations
- Ms. Elise Keppler, Senior Counsel, International Justice Program, Human Rights Watch
- H.E. Mr. Celestino Migliore, Permanent Observer of the Holy See to the United Nations
- Mr. Zénon Mukongo, Legal Adviser, Permanent Mission of the Democratic Republic of the Congo to the United Nations

Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court*

To the Assembly of States Parties

1. To continue to monitor closely the implementation of the Plan of action.

To States Parties

2. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in their bilateral, regional and multilateral relationships;
3. To continue their efforts to disseminate information on the Court at the national and international level, including through events, seminars, publications, courses and other initiatives that may raise awareness about the work of the Court;
4. To continue to provide the Secretariat with updated information relevant to the universality and full implementation of the Rome Statute, including current contact information on national focal points;
5. To organize seminars in different regions and to disseminate information about the Court's work and the provisions of the Rome Statute;
6. To continue to provide, wherever possible, technical and financial assistance to States wishing to become party to the Statute and to those wishing to implement the Statute in their national legislation; and
7. To continue to cooperate with the Court so that it can fulfil its functions accordingly.

To the Secretariat of the Assembly of States Parties

8. To continue to support States in their efforts to promote universality and full implementation of the Rome Statute by acting as a focal point for information exchange and by making available updated information on this matter, including on the website of the Court;¹
9. To compile information on all available resources and potential donors, and post it on the Court's website for easy access by States; and
10. To prepare a matrix to serve the purpose of enhanced information sharing between potential recipients and donors of technical assistance.

* Recommendations adopted by the Assembly on its eighth session, resolution ICC-ASP/8/Res.3, para. 7.

¹ <http://www.icc-cpi.int/Menus/ASP/Sessions/Plan+of+Action>.