

Strictly Embargoed for 10.00 AM CET, 31 May 2010

**ADDRESS BY H.E. MR. KOFI ANNAN
REVIEW CONFERENCE OF THE ASSEMBLY OF STATES PARTIES TO THE ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT
KAMPALA, UGANDA
31 MAY 2010**

1. President Christian Wenaweser,
Secretary-General Ban Ki-moon,
President Museveni,
President Song,
Excellencies, Ladies and Gentlemen,
2. It is a great honour to be with you today at this, the first Review Conference of the Assembly of States Parties to the Rome Statute of the International Criminal Court.
3. It marks another important milestone on the long journey to ending impunity for the gravest of crimes.
4. Along with many others, I have been part of this journey.
5. I have had the great privilege of sharing it with thousands of activists and lawyers around the world.
6. With committed colleagues in the United Nations, and the ad hoc tribunals that preceded the Court.
7. And, of course, with government representatives who have taken the momentous step of setting up this Court.
8. But there are millions more who have been with us every step of the way.
9. When, as UN Secretary-General, I opened the conference in Rome in 1998 where the Court's statute was agreed, I appealed to the delegates to proceed as if "...the eyes of the victims of past crimes, and of the potential victims of future ones, are fixed firmly upon us."
10. It is their cry for justice which must spur us on to our final destination.
11. Our goal, as I also said in Rome, is a Court that would "put an end to a global culture of impunity".

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12. We are not there yet, but we must remember what prompted us to act.
13. It began in the smouldering villages of Rwanda, their paths, fields, and even their churches, strewn with corpses.
14. And the next year, in the bombed-out buildings of Bosnia, and the horror of Srebrenica where upwards of 8,000 defenceless men and boys were shot and dumped into pits.
15. In both cases, the UN and the international community failed miserably to take decisive and forceful action to protect the victims.
16. We did, however, make a belated effort, through the ad hoc tribunals, to bring the perpetrators to justice – an effort that found almost unanimous support of Member States.
17. But we can go back even earlier to Nuremberg and Tokyo with the tribunals that punished war criminals of World War II.
18. Shortly afterwards, in 1948, the creation of an International Criminal Court was foreseen in the provisions of the Genocide Convention.
19. But it didn't happen. The Cold War started. The momentum was lost.
20. The millions who perished in the liberation struggles in Africa and Asia, and in wars in Central America and Cambodia, paid the price.
21. They were denied justice; and worse, the absence of justice emboldened their persecutors.
22. We cannot falter again.
23. So, despite your full agenda and the difficult discussions ahead, you must not lose sight of the solemn pledge you made when the ICC was established “ ..that the most serious crimes must not go unpunished”.
24. And if I speak of more recent events – Rwanda, Srebrenica, Timor Leste, Afghanistan, Iraq – it is also to remind you that, for me, the quest for justice is not an abstract notion. It is a steely conviction forged from years of humanitarian diplomacy and peace-making.

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25. The States Parties to the Rome Statute have much to be proud of. More than two-thirds of UN Member States have signed or ratified the Rome Statute.
26. Above all, we now have a permanent Criminal Court, and because of this we have tipped the balance in favour of justice.
27. In the face of war crimes, crimes against humanity and genocide, the default position of the international community is now accountability, not impunity.
28. Where credible allegations of such crimes are made, it is up to those denying the need for international justice to make their case, and demonstrate that their own legal response is adequate.
29. This is something, I may add, that has yet to be done convincingly by the parties to the intensified conflicts in Gaza and Sri Lanka last year.
30. Making this progress has required you to overcome the obstruction of some powerful governments resolutely opposed to the International Criminal Court.
31. And new challenges loom, including the debate – especially alive in Africa – on the relationship between peace and justice.
32. But while celebrating what has so far been achieved, we can't afford to be complacent. The balance could tip back the other way.
33. The remarkable success of the creation of the Court was the result of strong political will. Further progress will require vision, a strong sense of purpose, and even courage.
34. I spoke of new challenges. Encouraged by a few African leaders, the African Union last year called on its Member States not to co-operate with the ICC in enforcing the indictment issued against President al-Bashir of Sudan.
35. But it is not "Africa" that is hostile to the Court. When I meet Africans from all walks of life, they demand justice: from their own courts if possible, from international courts if no credible alternative exists.
36. The ICC does not supplant the authority of national courts. Rather, it is a court of last resort, governed by the principle of complementarity.

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37. I am proud, as an African, of our continent's contribution to the success of this great undertaking.
38. African countries and their civil society played an active and progressive role in the creation of the ICC.
39. Thirty of the countries in sub-Saharan Africa have become parties to the Statute – the largest single regional block that has joined the Court.
40. I am proud too that, in four of the five cases from Africa currently before the ICC, African leaders have either referred those cases to the Court, or actively co-operated with the investigations.
41. In doing so, they seek the support of an international judicial mechanism in the face of their own limited judicial capacity.
42. In the specific case of Kenya, where the Prosecutor has, for the first time, used his own authority to initiate an investigation, he has undertaken his work with the cooperation of the Kenyan Government.
43. In all these cases, it is impunity, not the African countries, that is being targeted.
44. And finally, I am proud that today, this first Review Conference is taking place in the heart of Africa.
45. Africa wants this Court. Africa needs this Court. Africa should continue to support this Court.
46. We must acknowledge, however, that some people in Africa - and elsewhere - have a genuine concern that our search for justice might obstruct the search for peace.
47. They ask, "How do we convince the leaders of warring parties to make peace if prison awaits them?"
48. Some allege that the Prosecutor's work in Uganda and Darfur has delayed or hampered peace efforts.
49. But Rwanda, Bosnia, Kosovo, Timor Leste ... these and other cases have taught me that justice is a partner, not an impediment to peace.

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50. I have learned too that impunity can contribute to renewed conflict, as it did in Sierra Leone.
51. The ICC itself is founded on the principle (and I quote from the Preamble to the Rome Statute) that the gravest of crimes “threaten the peace, security and well-being of the world”.
52. The parallel pursuit of justice and peace does present challenges, but these can be managed.
53. The Prosecutor’s discretion in matters of timing, wisely used, is important. So is the sensitivity of those mediating conflicts to the legal obligations arising from the Rome Statute.
54. The choice between justice and peace is no longer an option. We must be ambitious enough to pursue both, and wise enough to recognize, respect and protect the independence of justice.
55. In other words, the least political input there is in the justice process, the better. Justice should follow its own course.
56. Ladies and Gentlemen, the future of international criminal jurisdiction is the Rome Statute of the International Criminal Court. There should be no doubt about it.
57. The continued progress and success of this landmark document will depend on several factors: its sustained march towards greater universality; the effectiveness of the Court’s decisions; the ability of States to exercise their primary responsibility under the Statute to investigate, prosecute and punish; as well as strong political will on the part of political leaders and civil society.
58. And questions of credibility will persist so long as three of the five permanent members of the Security Council refuse to reconsider their position and join those who have taken the courageous step to become parties to the Statute. The same is valid for countries that aspire to permanent membership.
59. Indeed, the problem is not limited to the Security Council. Six of the G20 have not ratified the Rome Statute.
60. The States Parties to this historic Statute must therefore pose the question, “What kind of leadership is this which would absolve the powerful from the rules they apply to the weak?”

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61. A laggard leadership is no excuse. The States Parties to the Rome Statute are on the right side of history. You are in the majority.

62. There are G20 and P5 countries among you. You can demand that those who claim the mantle of global leadership accept the duty of promoting global values.

63. None would deny that punishing war crimes, crimes against humanity and genocide is such a value.

64. In conclusion, I return to where I began, namely with the voices of the victims.

65. Voices of victims here in Africa of the past abominations of slavery and colonialism, and more recently, of civil wars, inter-ethnic violence and mass rape. We cannot ignore them.

66. There must be no turning back, no slowing up in our journey.

67. Ending impunity is the solemn pledge we undertook. Let us fulfil it so that when our grandchildren look back they are not haunted by new voices from killing fields yet to be named.

68. Let them say of us that we rose to the challenge and built an International Criminal Court so strong, effective and universal, that it protected the innocent by deterring even the most determined of despots.

69. Ladies and Gentlemen, let me wish you all the best of success in your important deliberations.

70. Thank you.

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