



The Coalition for the International Criminal Court

Seventh Session of the Assembly of States Parties
To the Rome Statute of the International Criminal Court
The Hague, 15 November 2008
General Debate

Check Against Delivery

Your Excellencies,

My name is Tanya Karanasios, Program Director of the Coalition for the International Criminal Court (CICC). We welcome the opportunity to represent 2,500 NGOs around the world united in the fight for justice and accountability.

The Rome Statute is having an impact as we speak. Serious human rights violations in many parts of the world can no longer be committed without the possibility of national or international prosecution. Potential perpetrators are forced to think twice before engaging in serious crimes.

The ICC is not only conducting formal investigations of Rome Statute crimes in four different situations, it is also watching and analysing information about several other situations in four continents. Such announcements and actions have an impact on the level of violence in ongoing conflicts and trigger national justice mechanisms. This is what was intended in Rome in 1998, and this is the system that the CICC has fought for twelve years to promote.

Individual states parties to the Rome Statute and the ASP have the responsibility to ensure that the Court functions effectively and independently with a truly deterrent effect in the long term.

We would like to make four brief points for you to consider:

One: It is vital that states sufficiently fund the Court so that it can manage its current workload. States must also be flexible in their budgeting so that the Court can add new cases as necessary to fulfil its mandate. While the international financial crisis has highlighted the need to prioritise spending, any potential deterrent effect of the Court will be limited if victims and their abusers learn that the Court cannot afford to expand its docket in the foreseeable future. The so-called “zero-growth” budget strategy has led to unprincipled and counter-productive results in the U.N. system, and ICC states parties must be sure to avoid this mistake in the ICC budget process.

Two: The sixth session of the ASP was dominated by discussions about the *need* to cooperate – we want this session to be dominated by discussions on *how* to cooperate, and what to do when cooperation is *not* happening. This consideration should be incorporated in the agenda of the seventh ASP session. While we welcome many of your calls to cooperate, it is time to move to concrete plans, including execution of all outstanding arrest warrants. We call on the Bureau to begin discussions on how the ASP could invoke its responsibilities regarding non-cooperation as provided in Article 87 (7) of the Rome Statute.

Three: The Rome Statute is not yet universal, but we are moving in the right direction. Since the sixth session, the ICC's jurisdiction has expanded to 108 states. With our continued united efforts, we can ensure that the Court's jurisdiction is truly global and that safe havens for perpetrators of these crimes disappear completely. We therefore call on all states to reach out to encourage others to ratify the Rome Statute, in particular in underrepresented regions. To that end, the CICC has called on the following states, at a minimum, to ratify by the 2010 Review Conference: Cameroon, Indonesia, Moldova, Nepal and Ukraine. We welcome the recent developments in two other target states, Suriname that ratified on 15 July 2008, and the Czech Republic that is poised to do so in the near future.

The Plan of Action for Universality and Full Implementation of the Rome Statute set out a number of important measures for all states to take, including appointing national focal points and reporting back to the ASP Secretariat. Though we welcome those countries that submitted information to the Secretariat, we were disappointed to hear that only a handful of states took the time to respond to the important developments in your countries. We encourage you to take advantage of recommendations in the action plan and share your progress with other states.

Four: Experienced and qualified judges will ensure that this new complex system of justice results in fair and effective proceedings. The responsibility to nominate and elect the best judges is therefore one of your most important tasks as members of the ASP. To base your judicial nomination or election on anything but qualifications will contradict your responsibility as a state party, to other states and most importantly, to those affected by the work of the Court. In the long run, the election of unqualified judges will jeopardize the credibility of the Court.

This is the last regular session before the ASP must formally prepare for the Review Conference. It is crucial that the Assembly soon begin engaging the substantive issues of the Review Conference in a comprehensive and decisive manner. The Coalition calls for adequate and responsible preparations, transparent processes and a commitment from each state to take stock of the past and set proper benchmarks for the future.

On 17 July 1998, 139 states agreed to end the culture of impunity for genocide, war crimes and crimes against humanity. Perpetrators must know that justice is not a bargaining chip. States must affirm the importance of maintaining the International Criminal Court's independence from political interference. We expect states parties to respect and protect these principles in all fora, including regional and international organisations and negotiations.

Finally, we would like to thank Minister Bruno Stagno-Ugarte for his leadership, deep commitment to the ICC and unwavering support for upholding the principles of justice. We are also very pleased to welcome the new leadership of H.E. Ambassador Christian Wenaweser, whose expertise and dedication is widely known and greatly admired.

We are grateful for this opportunity to address you.

Thank You.