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Human Rights Watch Statement for the General Debate of the International Criminal Court's Thirteenth Assembly of States Parties

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December 10, 2014

Mr. President, Your Excellencies,

Thank you for the opportunity to address this thirteenth session of the Assembly of States Parties.

Over the past year the increasing demands and expectations placed on the International Criminal Court (ICC), and the central place the court now occupies in international discussions on justice and accountability have been more clear than ever.

In September, the ICC prosecutor, Fatou Bensouda, announced that her office would open an investigation into crimes allegedly committed since 2012 within the Central African Republic. Serious abuses have been committed by all sides to the conflict, affecting hundreds of thousands of people.

In many of the ICC's other situations under investigation and the currently eight situations under preliminary examination there remain outstanding justice needs.

These increased demands also go beyond calls for investigations on the territories of ICC states parties.

In February, the government of Ukraine, although not an ICC state party, acted under Rome Statute article 12(3) to grant the court jurisdiction over events occurring within the country in late 2013 and early 2014. Calls have been made to the Security Council to refer the situations in Syria and North Korea to the ICC prosecutor.

While the ICC is increasingly looked to as a court of last resort, there remains a significant gap between these expectations and the justice the ICC can deliver.

We look to court officials and states parties to continue their efforts to heighten the court's performance and ensure it has the political backing, cooperation, and resources necessary to narrow the gap between promise and reality.

At this Assembly session we look to states parties to advance support for justice in two areas.

First, we ask states parties to ensure the ICC has resources adequate to its mandate. The Office of the Prosecutor has indicated that limits in its resources have forced delays in some investigations and the deferral of others, including in Cote d'Ivoire and Libya. Limited resources have also curtailed the court's communications activities with affected communities and its support to victims seeking to access their rights of participation. This in turn has an impact in ensuring that justice is not only done, but seen to be done.

In setting the court's annual budget, ICC states parties should reject arbitrary caps or formulas and should instead examine whether the resources allocated are justified according to the court's workload. In addition, we urge states parties to consider how best to advance a dialogue in the coming year regarding bridging the gap between the resources available and the clear, increased need for justice for international crimes.

Second, we look to states parties to insist at this Assembly session on the independence of the court and pledge to fully respect and enforce the court's decisions.

Behind a thin veneer of cooperation aimed at staying the court's hand with regard to a formal finding of non-cooperation, since 2013, the Kenyatta administration has pursued an intense campaign to delegitimize the ICC. It has lobbied the African Union, the UN Security Council, and the Assembly of States Parties.

While the charges against President Kenyatta been withdrawn, the need for justice remains real and urgent. Hundreds of thousands of victims of the 2007-2008 electoral violence have yet to see redress for mass killings, displacement, and sexual violence. For these victims, and for victims of mass atrocity, around the world, the mandate of the court and the strengthening of that mandate is essential.

We look to states parties to resist any effort to use the Assembly to further politicize the cases arising out of the Kenya situation. At this Assembly session, states parties should make clear in statements and discussions that the court's independence and judicial processes should be protected from interference.

States parties should also ensure that they strengthen procedures to prevent and respond to non-cooperation and to secure arrests. Without state assistance in investigations, and apprehension of suspects, prospects for justice are limited.

At the opening of this Assembly session, President Catherine Samba-Panza of the Central African Republic, called on representatives of ICC states parties to be the guarantors of the hopes her country has placed in the court.

As this Assembly session we look to states parties to make manifest a common commitment to an effective, well-supported, and independent institution. We urge states parties to keep this goal at the center of their important deliberations.