

H.E. Mr. Ban Ki-moon*

I am honoured to welcome you here at United Nations Headquarters to mark the tenth anniversary of the Rome Statute of the International Criminal Court.

This milestone provides an occasion for celebration as well as for reflection. The relation of the International Criminal Court is unquestionably one of the major achievements of international law during the past century. But this young Court remains a work in progress; a fragile part of a crucial and ongoing effort to entrench international law and justice.

This fight against impunity started in earnest with the establishment of the International Criminal Tribunals for the former Yugoslavia and for Rwanda. These courts pioneered the emergence of international criminal justice and the enforcement of international humanitarian law.

Their ground-breaking work led to the establishment of other forums to fight impunity. The hybrid courts established in Sierra Leone and Cambodia benefited from the experience of the original tribunals and demonstrated the growing reach of international criminal law.

The success of these ad hoc tribunals demonstrated the international community's determination to address international crimes and provided the path to a permanent forum for investigating and prosecuting these crimes -- the International Criminal Court.

The United Nations is proud of its relationship with the International Criminal Court. Our Organization provided crucial assistance and support to United Nations Member States who created the Court. Ever since, UN-ICC cooperation has expanded steadily to the point that, by now, our two independent institutions fully complement each other's work.

Today, the United Nations work to promote peace, development and human rights is heavily dependent on the International Criminal Court's efforts to advance justice and establish the rule of law.

As your privileged partners over the past 10 years, I would like to use this opportunity to reflect on some of the challenges confronting the Court. Addressing them will be crucial to advancing our shared fight against impunity.

First, the International Criminal Court will be strengthened by additional steps towards achieving even greater universality. This growing universality naturally calls for geographic diversity in the investigations and other activities undertaken by the Court. Such steps could help counter any perception of exclusivity, even if it is dictated by circumstances.

Second, all the stakeholders in the Court need to pursue a collaborative learning process with determination, enthusiasm, creativity and patience. This initiative must advance along multiple lines; permit me to list just a few:

- We must seek to strike the correct balance between the duty of justice and the pursuit of peace. Impunity for crimes can never be tolerated; amnesties for international crimes are unacceptable. When confronted with these dilemmas, we must never sacrifice justice; crucially, the search for a balance between justice and peace should never be influenced by the threats and postures of those seeking to escape justice. This is key.

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- Furthermore, the Court must continue to demonstrate a purely judicial character, as well as total independence. I have no doubt that this will remain so. In turn, the entire international community must also learn to respect the International Criminal Court and its decisions. After all, our entire international system will suffer if the Court's decisions and judgments are not properly implemented.
- Finally, let us work to further improve cooperation between the Court and the United Nations in ways that take into account the legitimate interests of both partners. The United Nations is prepared to take all necessary action, with due respect to the applicable rules, to facilitate the Court's noble mission.

Time constraints prevent me from delving into other, equally important, aspects that also merit our attention and efforts. These include the need for full and proper attention to victims, the capacity of States to prosecute and try alleged perpetrators of international crimes and the necessity of an outreach strategy to communicate the role and functioning of the Court.

Instead, let me mention the role of civil society as a third aspect of the International Criminal Court's continuing evolution. Non-governmental organizations have played a decisive role in the creation of the Court, in helping swell the number of States parties and in implementing the Rome Statute at the national level. Their role today remains as important as it was 10 years ago. We need their continued engagement to help the Court evolve and advance, and their support to ensure the Court's success.

Far too often in the past, the gravest crimes have gone unpunished. The most egregious criminals have remained at large. And the most wronged victims have been denied justice. But the first decade of the International Criminal Court signals a break from this unfortunate past. It puts would-be war criminals and perpetrators of genocide and crimes against humanity on notice that they cannot expect impunity; that they will be indicted, that they will be arrested, and that they will be held responsible.

Let us celebrate today's milestone and the remarkable progress we have made in such a short time. Let us also recommit ourselves to the aims and ideals of the International Criminal Court, and to ending impunity and advancing the rule of law in every part of the world.
