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Speech to Assembly of States Parties

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Thank you Mr. President,

It is a pleasure to address you on behalf of the US Delegation, which for the first time is attending a meeting of the Assembly of States Parties as an Observer. Although we have not joined previous meetings of the Assembly, we have not been silent in the face of crimes against the basic code of humanity, crimes that call for condemnation in the strongest possible way. Far from it: We have worked shoulder to shoulder with other states to support accountability and end impunity for hauntingly brutal crimes in the former Yugoslavia, Rwanda, and elsewhere. With special urgency today, we are working to end the impunity that has fostered intolerable crimes of sexual violence in the Democratic Republic of Congo and other countries. As a former prosecutor with the International Criminal Tribunal for Rwanda and former Chief Prosecutor for the Special Court for Sierra Leone, I am especially proud of my country's historic role in demanding justice for those who survived soul-shattering violence in their own countries—and for those who did not survive.

In recent years, we have seen extraordinary achievements of international criminal tribunals. Through their work, these tribunals have not only answered horrific crimes with historic justice, but they have done something of equal importance: they helped foster an expectation among victims that justice would be delivered at home, too, and not just in an international court. We have watched this process play out in several countries and have a deep appreciation of the role that institutions of international justice can play in helping restore accountability and the rule of law to states struggling to emerge from lawless violence. Certainly, the US Government places the greatest importance on assisting countries where the rule of law has been shattered to stand up their own system of protection and accountability—to enhance their capacity to ensure justice at home.

At the same time, the United States recognizes that there are certain times when justice will be found only when the international community unites in ensuring it, and we have been steadfast in our encouragement for action when the situation demands it. It was with this principle in mind that the United States has encouraged the investigation of the situation in Darfur. In short, the commitment

of the Obama Administration to the rule of law and the principle of accountability is firm, in line with my country's historic tradition of support for international criminal justice that has been a hallmark of United States policy dating back at least to the time of Nuremberg.

Having been absent from previous rounds of these meetings, much of what we will do here is listen and learn. Our presence at this meeting, and the contacts that our delegates will seek with as many of you as possible, reflects our interest in gaining a better understanding of the issues being considered here and the workings of the Court.

That said, I would be remiss not to share with you my country's concerns about an issue pending before this body to which we attach particular importance: the definition of the crime of aggression, which is to be addressed at the Review Conference in Kampala next year. The United States has well-known views on the crime of aggression, which reflect the specific role and responsibilities entrusted to the Security Council by the UN Charter in responding to aggression or its threat, as well as concerns about the way the draft definition itself has been framed. Our view has been and remains that, should the Rome Statute be amended to include a defined crime of aggression, jurisdiction should follow a Security Council determination that aggression has occurred.

Although we respect the hard work that has been done in this area by the Assembly of States Parties, we also share the concern that many of you have expressed about the need to address this issue, above all, with extreme care, and the Court itself has an interest in not being drawn into a political thicket that could threaten its perceived impartiality.

In more than eight years as an international prosecutor I have seen how challenging it can be to try persons alleged to bear the greatest responsibility for crimes that shock the universal conscience--those intentionally targeting civilians and other noncombatants. So much remains to be done to achieve justice for the victims of genocide, war crimes, and crimes against humanity. We must not fail them.

We look forward to learning from the discussions at this meeting. Thank you.