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With the International Criminal Court, a new age of accountability

By Ban Ki-moon
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World leaders gathered in Rome 12 years ago to establish the International Criminal Court. Seldom since the founding of the United Nations has such a resounding blow been struck for peace, justice and human rights.

On Monday, nations will come together once again, this time in [Kampala, Uganda, for the first formal review of the Rome treaty](#). It is a chance to not only take stock of our progress but also to build for the future. It is an occasion to strengthen our collective determination that crimes against humanity cannot go unpunished -- the better to deter them in the future.

As U.N. secretary general, I have come to see how effective the ICC can be -- and how far we have come. A decade ago, few would have believed that the court would now be fully operational, investigating and trying perpetrators of genocide, war crimes and crimes against humanity committed in a broadening geography of countries.

This is a fundamental break with history. The old era of impunity is over. In its place, slowly but surely, we are witnessing the birth of an age of accountability. It began with the special tribunals set up in Rwanda and the former Yugoslavia; today, the ICC is the keystone of a growing system of global justice that includes international tribunals, mixed international-national courts and domestic prosecutions.

So far, the ICC has opened five investigations. Two trials are underway; a third is scheduled to begin in July. Four detainees are in custody. Those who thought the court would be little more than a paper tiger have been proved wrong. To the contrary, the ICC casts an increasingly long shadow. Those who would commit crimes against humanity have clearly come to fear it.

And yet, the ICC remains a court of last resort, stepping in only when national courts do not, or cannot, act. In March, Bangladesh became the 111th party to the Rome Statute, while 37 others have signed but not yet ratified it. Some of the world's largest and most powerful countries, however, have not joined.

If the ICC is to have the reach it should, if it is to become an effective deterrent as well as an avenue of justice, it must have universal support. As secretary general of the United Nations, I call on all nations to join the ICC. Those that already have done so must cooperate fully with the court. That includes backing it publicly as well as faithfully executing its orders.

The ICC does not have its own police force. It cannot make arrests. Suspects in three of the court's five proceedings remain free. Not only the ICC but the whole of the international justice system suffers from such disregard, while those who would abuse human rights are emboldened.

Discussion at the review conference in Kampala will include ways to strengthen the court. Among them: a proposal to broaden its scope to include "crimes of aggression," as well as measures to build the willingness and capacity of national courts to investigate and prosecute war crimes.

Perhaps the most contentious debate will focus on the balance between peace and justice. Frankly, I see no choice between them. In today's conflicts, civilians are too often the chief victims. Women, children

and the elderly are at the mercy of armies or militias who rape, maim and kill; who devastate towns, villages, crops, cattle and water sources -- all as a strategy of war. The more shocking the crime, the more effective it is as a weapon.

Any victim would understandably yearn to stop such horrors, even at the cost of granting immunity to those who have wronged them. But this is a truce at gunpoint, one without dignity, justice or hope for a better future. The time has passed when we might talk of peace vs. justice. One cannot exist without the other.

Our challenge is to pursue them both, hand in hand. In this, the International Criminal Court is key. In Kampala, I will do my best to help advance the fight against impunity and usher in the new age of accountability. We must never forget that crimes against humanity are just that -- crimes against us all.

The writer is secretary general of the United Nations.