



HUMAN RIGHTS FIRST STATEMENT TO THE 6TH SESSION OF THE ASSEMBLY OF STATE PARTIES

Mr. President, on behalf of my organization, Human Rights First, I would like to welcome the 6th Assembly of State Parties of the International Criminal Court and wish all participants two fruitful weeks of work. We are grateful for this opportunity to briefly address the ASP.

Mr. President, 2007 has been a landmark year for the ICC. Some have noted the Court's significant progress in its outreach efforts – one of the main concerns of civil society during the last ASP. Others have lauded the arrest and transfer to The Hague of a second detainee and the opening of a second case in the DRC situation, the opening of a fourth situation in the Central African Republic, and the imminent start of the trial in the case against Mr. Lubanga. The inclusion of sexual slavery as a war crime and a crime against humanity in the charges brought against Mr. Katanga in the DRC situation, and the focus on sexual crimes in the investigation in the Central African Republic situation are other positive developments we would like to emphasize. Human Rights First perceives the increasing use of rape as a systematic weapon of war and persecution as one of the most important challenges facing the international community today and we believe that the ICC has a significant role to play in combating such atrocities.

Mr. President, notwithstanding these accomplishments, we share grave concerns - with many NGO colleagues as well as States - about the tenuous position of the ICC today. This fragility is not the fault of the Court itself, but rather, the result of halfhearted support by the very States that negotiated, signed and ratified the Rome Statute. The ICC is a creature of the States that created it, it is still only in its infancy, and like other living things, expires from lack of sustenance. The ICC depends largely on the support and cooperation of State Parties to implement its mandate. Much more cooperation from State Parties is required to ensure that the Court not only survives, but also thrives. Cooperation is a word you will hear often during these two weeks and in the coming months from us and other organizations and indeed that our colleagues will raise again today. We believe it should be the top priority on the agenda of State Parties for the year to come.

My organization, Human Rights First, focuses not only on the role of international criminal justice in ensuring accountability for past crimes, but also on its place in preventing and stopping ongoing crimes. We are under no illusion that the Court single-handedly can halt mass atrocities. However, we believe that ending impunity through accountability is a crucial ingredient for preventing future crimes. To fulfill its promise in this regard, the Court must have the cooperation of member States in a number of ways. We are most concerned about the lack of diplomatic support for the work of the Court in situation countries and, in particular, to execute the outstanding arrest warrants in Darfur and Uganda.

It is one thing to pledge support philosophically or politically, even through concrete action such as ratification of the Rome Statute. It is quite another to come forward and assist once the ICC is seized of a case and has issued arrest warrants. This is the point where the Court's true supporters must show their mettle. As a legal institution, the Court is judged by its ability to implement the law, including its own decisions. Implementation is the Court's own currency. If it is unable to obtain the arrest of suspects, or if arrest warrants are subjugated to political considerations, the Court is rendered impoverished and powerless. A situation like that of Sudan, where the government not only publicly insults the prosecutor, but also openly thwarts the Security Council, requires the

unequivocal support of the State parties. When a government mocks the United Nations, the victims of mass atrocities, and the Court, as Sudan did by appointing an alleged war criminal to head the commission charged with investigating the very human rights that he is purported to have committed, a tepid response by the State Parties is not an option. These kinds of actions strike at the very foundations of the Court's credibility, and require a commensurately robust response. There have been such reactions from some State Parties over the last year, but by and large, they are too few and too weak. We would therefore respectfully urge State Parties to be much more proactive and vocal in their support of the Court.

Mr. President, the creation of the ICC signified an important commitment to move the issue of international justice for the most egregious crimes from the political to the legal realm. Indeed, justice should transcend politics. However, only through enhanced cooperation with the Court and support for its work will that commitment be realized and the future of the Court secured. Thank you Mr. President.

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Human Rights First is a leading human rights advocacy organization based in New York City and Washington, DC. Since 1978, we have worked in the U.S. and abroad to create a secure and humane world –advancing justice, human dignity, and respect for the rule of law. All of our activities are supported by private contributions. We accept no government funds. Visit our web site: www.humanrightsfirst.org

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