



Judge Philippe Kirsch
President of the International Criminal Court

ICC Marks Five Years since Entry into Force of Rome Statute

Statement

The Hague, 26 June 2007

English Version

On the occasion of the fifth anniversary of the entry into force of the Rome Statute of the International Criminal Court on 1 July, the President of the Court, Judge Philippe Kirsch, issued the following statement:

Five years ago the Rome Statute of the International Criminal Court (“ICC”) entered into force, ushering in a new era of accountability for international crimes. As expressed in its preamble, the aims of the Rome Statute are to put an end to impunity, to contribute to the prevention of the most serious international crimes and to guarantee lasting respect for and enforcement of international justice.

The entry into force of the Rome Statute in 2002 marked the transition of the ICC from an idea to a reality. With the election of the first judges, Prosecutor and Registrar one year later, the institution began to take shape. Since its actual establishment in 2003, the ICC has come a long way. An entire international institution has been built from scratch. The ICC has recruited a highly talented and diverse staff from around the world, put in place its administrative framework and established much of its core infrastructure in The Hague as well as several offices in the field. Today, the ICC is a fully-functioning judicial institution focused on its core activities of investigating and conducting trials of individuals accused of genocide, crimes against humanity or war crimes.

The first situations were referred to the ICC in early 2004. Within the space of eighteen months, the Prosecutor opened investigations into alleged grave crimes in three different countries – Uganda, the Democratic Republic of the Congo and Sudan (Darfur). A fourth investigation was opened this year in the Central African Republic. The judges have issued eight arrest warrants in three different cases. Following the execution of one of these warrants and the subsequent confirmation of charges by the judges of the Pre-Trial Chamber, the first trial will begin later this year. With more arrests will come more trials.

We have learned much about the prospects and promise of the ICC in its so far very brief existence. The ICC operates in circumstances unlike those faced by any previous international court or tribunal. It is active in situations of ongoing conflict where crimes continue to be committed. This presents significant challenges in terms of investigations, security, outreach and logistics, all of which underscore the importance of international cooperation to the ICC. At the same time, it is precisely because the ICC operates in situations where crimes are ongoing that it is today being credited with having a shorter term impact in preventing crimes than originally anticipated – and not just a long-term deterrent effect as was once thought.

Achieving the aims of the Rome Statute will be a collective effort. The ICC can have a truly global reach through universal ratification of the Rome Statute. 104 countries have ratified or acceded to the Rome Statute since it opened for signature in 1998. This is an unusually rapid pace for a treaty setting up an international organization, especially one as complex as the ICC, and reflects both the clear need for the ICC and the confidence of states in the fairness and credibility of this new judicial institution. We nonetheless remain some distance from the objective of universality which is inherent in the Rome Statute.

In all stages of its activities, the ICC relies on the cooperation of states and, by extension, international organizations to carry out certain key functions such as the arrest and surrender of persons accused of committing crimes, the relocation of witnesses and the enforcement of sentences. The first years of the ICC have highlighted the importance of cooperation in

different regards. Warrants of arrest have been outstanding since 2005. Ensuring the necessary cooperation will be a primary challenge for the ICC and for the States Parties in the years to come.

The ICC has had a significant early positive impact going beyond its investigations and prosecutions. Following the adoption and entry into force of the Rome Statute, many countries reviewed their domestic legislation governing genocide, crimes against humanity and war crimes. In several countries, this review led to amendments or upgrades to existing legislation. These countries are now in a better position to investigate and prosecute these crimes themselves. This is important because the ICC is a court of last resort. The primary responsibility to investigate serious international crimes, like all crimes, belongs to states. The ICC will only ever act when national jurisdictions are unwilling or unable genuinely to investigate crimes within its jurisdiction.

The entry into force of the Rome Statute and the initial development of the ICC occurred much faster than was expected. Our experience has clearly demonstrated that the success of the ICC depends critically on the cooperation received. The continued strong support of states, international organizations and civil society will be essential to maintaining and building on the momentum of the past five years.