



Judge Sang-Hyun Song
President of the International Criminal Court

Keynote remarks at Human Rights Council side event
“The International Criminal Court after 15 Years: Prospects for the Future”

CHECK AGAINST DELIVERY

Geneva, Switzerland

10 September 2013

Excellencies, Ladies and Gentlemen,

I would like to thank the Delegation of the European Union for organising this timely event, and I thank Ambassador Zappia for her opening words.

I am also grateful to my dear friend, High Commissioner Navi Pillay, for her thoughtful statement.

* * *

It is truly a pleasure to speak about the International Criminal Court before such a distinguished audience here in Geneva.

This city is the home of the Geneva Conventions, which form the foundation of much of the law contained in the Rome Statute, the ICC's governing treaty.

And Geneva is undoubtedly the human rights capital of the world, as the seat of the many UN treaty bodies, the Office of the High Commissioner for Human Rights, and of course the Human Rights Council.

While the ICC is not a human rights court in the strict sense, it *was created* to help protect core *human* rights and values, such as the right to life, security of person, freedom from torture, the prohibition of slavery, and so forth.

Indeed, one could say that *the ICC is a criminal court with a human rights purpose*.

As a court of last resort, the ICC reinforces the protection of key human rights through criminal accountability and helps prevent future crimes;

By encouraging national implementation under the principle of complementarity, the Rome Statute helps the global entrenchment of legal and social norms prohibiting mass violence;

By affording progressive rights of victim participation and reparations, the ICC promotes a modern approach to justice that acknowledges the victims' right of access to justice;

And by helping to end cycles of violence, the Rome Statute system supports security, stability and sustainable development, which are all the basis for the enjoyment of a broad range of human rights.

For all these reasons, it is my view that promotion of the ICC means promotion of human rights, and advancement of international criminal justice means advancement of human rights.

Indeed I am delighted to hear that an informal group of "Friends of the ICC" has been operating in Geneva for some time.

I join the High Commissioner in praising the States that have made ICC related recommendations in the Universal Periodic Review, to encourage other states to join the ICC, to adopt implementing legislation to domesticate the Rome Statute, or to ratify the Agreement on the Privileges and Immunities of the Court.

This is extremely valuable.

First, it shows the significance that the community of 122 States Parties attaches to the Rome Statute, as they make specific recommendations to their fellow members of the international community within a highly legitimate, *formal* and *public* forum.

And second, the responses by the States under Review provide valuable insight to inform further advocacy in promoting the universality and full implementation of the Rome Statute.

I strongly encourage States to continue and build on this practice.

States might also consider recommending the ratification of the two sets of amendments to the Rome Statute: those on the crime of aggression – ratified thus far by 7 States; or those broadening the ICC’s jurisdiction to encompass the use of poisonous weapons or gases and expanding bullets in non-international armed conflicts – ratified thus far by 10 States, most recently by Mauritius last week.

* * *

Excellencies, ladies and gentlemen,

The International Criminal Court is today busier than ever with 8 country situations under investigation or prosecution, on-going court cases at all stages of process, thousands of victims represented in the proceedings, and numerous situations under preliminary examination by the ICC Prosecutor.

The ICC has assumed an important role among major international institutions – a role that is recognised not only by the 122 States Parties, but also other major players such as China, Russia and the United States.

I am very pleased to note that numerous non-States parties, such as Indonesia, Malaysia, Ukraine, Haiti and Jamaica, are actively working toward joining the ICC.

Alongside the crucial mandates of UN bodies, human rights courts and regional organisations, the ICC has added something truly new to the international landscape, with powers that no other institution has.

In certain situations, where the lives and security of entire communities are threatened by mass violence, the risk of prosecution before the ICC may be *the* crucial and unique deterrent that will stop leaders from abusing their position to the peril of their citizens.

It is in those situations that all the effort invested in international justice pays off.

The crimes under the ICC's jurisdiction are so destructive, with such far-reaching, terrifying consequences, that any effort toward their prevention is a moral imperative for humankind.

This is why I see real convergence of interests on the New York – Hague - Geneva axis, with different roles played by the various institutions. Security, peace-building, human rights, the rule of law and development are all interlinked, and the ICC is an integral piece in the chain of international institutions pursuing those goals.

At a time when the international community is grappling with reports of terrible atrocities, it is more important than ever to promote the universality of the Rome Statute.

I want to vision a world where borders will not be an excuse for impunity, where everyone knows that accountability for international crimes is inevitable, and where the will of humans to live in peace and safety is respected everywhere.

* * *

Excellencies, Ladies and Gentlemen,

We must work together to raise the profile of the Rome Statute in underrepresented regions.

We must tap into the growing economic and strategic importance of the Asia-Pacific, into the increasing demand for accountability and engagement in the Middle-East, and the universal desire for peace and security in other regions too.

Wherever I go, I reiterate the benefits of joining the ICC:

First of all, the Rome Statute strengthens the legal protection of *your* people: if anyone intends to commit international crimes on your territory, they will risk prosecution by the ICC and arrest in any of the 122 States Parties.

Regardless of whether the potential perpetrators would be a rebel group, a foreign army, or someone who takes the power in a coup d'état – once you have joined the Rome Statute, you know that your country will not be alone if it finds itself in trouble.

I also stress that ratification of the Rome Statute unites your country with a community of States committed to stability and security, the rule of law, peaceful relations, and the global prevention of mass atrocities.

This increases your country's opportunities for international engagement, and opens new doors for cooperation and capacity building support.

Finally, I always stress that ratification of the Rome Statute bears no retroactive effect whatsoever. The Statute is not about settling old scores, it is about protection for the future.

Excellencies, Ladies and Gentlemen, dear friends,

We have to redouble our efforts to increase awareness about the ICC. Misconceptions are still hampering the advancement of the Rome Statute system.

It is a task for all of us: the Court, the States Parties, international organisations, and the civil society.

As the UN Secretary-General has said, the Rome Statute ushered in a new age of accountability. Let us make sure we close the door on impunity.

Thank you for your attention and support.