



**Cour
Pénale
Internationale**

**International
Criminal
Court**

Le Président
The President



Judge Sang-Hyun Song
President of the International Criminal Court

*“International Criminal Court:
the centrepiece of an evolving system of international criminal justice”*

Introductory Remarks at St. Petersburg State University

St. Petersburg, Russian Federation
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Honourable Chairman, Professor Musin,
Distinguished professors and students of the St. Petersburg State University,
Dear colleagues,
Ladies and Gentlemen:

Speaking at the Review Conference of the International Criminal Court in 2010, the head of the Russian delegation, Mr. Kirill Gevorgyan stated: *“The Rome Statute and the principle of complementarity enshrined in it give the [ICC]¹ what its predecessors lacked: power of deterrence.”*

Indeed, this is my central message today: the main value of the International Criminal Court, and the broader justice system around it, is not in the punishment of past acts, but in the deterrence of future crimes.

But let us take a step back first.

Russia played an important role in the historic developments that led to the creation of the International Criminal Court. This included the crucial contributions of Fyodor Fyodorovich Martens to the Hague Conventions and the Soviet Union co-founding the International Military Tribunal in Nuremberg after the Second World War.

With the onset of the Cold War, it was not until the early 1990s that genuine efforts to establish a system of international criminal justice resurfaced. The International Law Commission finalized its Draft Statute for an International Criminal Court in 1994, and in July 1998, a multilateral treaty called the Rome Statute of the International Criminal Court was adopted at a large international conference convened under the auspices of the United Nations.

The Rome Statute entered into force on 1 July 2002, giving birth to the ICC, the first permanent institution devoted to ending impunity for the most serious crimes of concern to humankind – genocide, crimes against humanity, war crimes and the crime of aggression.

The Rome Statute created much more than a Court. The ICC is the centrepiece of a new international justice system that consists of two main levels – national jurisdictions as the first line of defence against impunity, and the ICC as a failsafe system, a court of last resort. This is what we call the principle of complementarity. The two levels of justice complement each other, together forming an unprecedented international structure intended to ensure individual accountability.

¹ In the original: “the Court”.

The Russian Federation voted in favour of the Rome Statute and signed it. However Russia has not yet ratified the Statute and therefore is not a State Party. But with 122 States Parties, the Rome Statute is today a thriving and growing community of nations committed to peace, justice and the rule of law. Cases from 8 countries are under investigation or prosecution and the ICC has been seized of 18 cases, involving 31 suspects or accused, and thousands of victims participating in the proceedings.

Mr. Chair, dear colleagues, ladies and gentlemen,

The ICC's deterrent impact takes many forms.

In the first instance, the Rome Statute system is deterring crimes by setting new norms within national jurisdictions. As the Russian delegate pointed out at the ICC Review Conference, the strength of this newly emerging justice system lies to a great extent in the principle of complementarity – which is built on the idea that all States Parties to the Rome Statute harmonise their criminal legislation with the Rome Statute, to make sure that the crimes enlisted in the Statute are punishable before their national courts. This is thus *deterrence through norm-setting*.

Secondly, the ICC can deter crimes in situations of ongoing or imminent violence *through prosecution or threat of prosecution*. This is probably the main kind of deterrence that the drafters of the Rome Statute had in mind.

International justice can be an important factor in building long-term peace, stability, and equitable development in post-conflict societies. Here I would highlight the progressive step that the Rome Statute took from pure retribution to a more comprehensive model of justice that gives victims the right to participate in proceedings and to request reparations for the harm they suffered. A Trust Fund for Victims associated with the ICC is already providing assistance to more than 80,000 people in several African countries, for instance vocational training, counselling, reconciliation workshops, reconstructive surgery and more. Here, the Rome Statute system is helping prevent future crimes *through peace-building and development*.

Mr. Chair, dear colleagues, ladies and gentlemen,

The evolving system of international criminal justice is increasingly becoming a fundamental feature of the rule of law at the international level. It holds enormous potential to help deter the most serious crimes that inflict enormous suffering on human societies around the world. Again, I was extremely pleased to note that the Russian

Federation shares and values this view – and I hope to see Russia one day become a State Party that can help us further strengthen the evolving Rome Statute system of justice.

Perhaps some of you will go on to work at the ICC in The Hague, and I would not be at all surprised if one of you were to become an ICC Judge one day. But if you are truly convinced in the Rome Statute's vision of a more peaceful future, your work starts now, in this room, during your studies and employment, even on your free time – as ambassadors of justice and peace.

Thank you.