



**Cour  
Pénale  
Internationale**  

---

**International  
Criminal  
Court**

Le Président  
The President



**Judge Sang-Hyun Song**  
**President of the International Criminal Court**

*Remarks at the session “The Hague, International city of Peace and Justice”*

St. Petersburg International Legal Forum 2013

*St. Petersburg, Russian Federation*  
*16 May 2013*

Excellencies, Ladies and Gentlemen,

It is my great pleasure to be here at the St. Petersburg International Legal Forum together with colleagues from The Hague, the legal capital of the world.

Of the five institutions represented in this session, the International Criminal Court is the youngest one. Following the adoption of the Rome Statute in 1998, the ICC was officially created on 1 July 2002 when the requisite number of 60 ratifications was reached. Today, there are 122 States Parties to the Rome Statute.

The ICC is an independent organisation, which is not part of the United Nations. Instead, an Assembly of States Parties approves the ICC's budget and acts as the legislator of the ICC's basic legal documents.

The most significant development in relation to the Assembly's legislative role so far took place in 2010, when the States Parties agreed on amendments to the Rome Statute regarding the crime of aggression – however these amendments will enter into force in 2017 at the earliest.<sup>1</sup> In the meantime, the ICC is exercising its jurisdiction with respect to three other categories of international crimes: genocide, crimes against humanity and war crimes.

While many were initially doubtful of the prospects of this new institution, the ICC is today undoubtedly an international organisation of major significance. It is currently dealing with alleged crimes in eight countries – the Democratic Republic of the Congo, Uganda, the Central African Republic, (Darfur) Sudan, Kenya, Libya, the Ivory Coast and Mali. The ICC Prosecutor is furthermore following situations in many other countries on several continents. Last year, the ICC issued its first two judgements, both of which are currently before the Appeals Chamber.

The Rome Statute system is fundamentally based on the principle of complementarity. This means that national jurisdictions have the primary duty and right to prosecute Rome Statute crimes, while the ICC is a failsafe mechanism, a court of last resort.

---

<sup>1</sup> Note: the entry into force of the amendments with respect to the crime of aggression is subject to a two-thirds majority decision to be taken by States Parties after 1 January 2017 and the ratification of the amendments by at least 30 States Parties.

The ICC has competence if a crime was committed in the territory of or by a national of a State Party or another State accepting the Court's jurisdiction. The only exception to this is if the UN Security Council has referred a situation to the ICC Prosecutor, as it did with respect to the Darfur and Libya situations, both with the affirmative vote of the Russian Federation.

For a young institution such as the ICC, being seated in a city used to international courts has been very beneficial, not least because we can rely on the cooperation of an experienced host state, the Netherlands, and because the city of The Hague has long ago opened its arms to the presence of international lawyers and other professionals. Last month, we held the ground-breaking ceremony for the ICC's new permanent premises in The Hague.

The Hague is indeed today a major centre of international peace and justice. Of course, it is justice – international criminal justice in particular – that the ICC delivers. But the ICC also aspires to deliver peace. Indeed, it was the Russian delegate to the ICC Review Conference in 2010 who stressed the ICC's power of deterrence and remarked that the mere existence of the ICC “can influence drastically both the world political climate and national legislation of States”.<sup>2</sup>

Although Russia is not party to the Rome Statute, it has generally supported the ICC in international forums, such as the UN Security Council. Russian is, of course, one of the ICC's official languages and a large number of ICC documents, starting with the Rome Statute, are available in Russian.

While the decision whether to ratify the Rome Statute is solely for every sovereign State to make, Russia will be most warmly welcomed if and when it decides to take that important step.

Thank you.

\*\*\*\*\*

---

<sup>2</sup> Excerpt from the Statement of H.E. Kirill G. Gevorgyan, Director of the Legal Department of the Ministry of Foreign Affairs of the Russian Federation, Head of the Russian Delegation to the Review Conference during the RC General Debate on 1 June 2010, available at [http://www.icc-cpi.int/iccdocs/asp\\_docs/RC2010/Statements/ICC-RC-gendeba-RussianFederation-ENG.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/RC2010/Statements/ICC-RC-gendeba-RussianFederation-ENG.pdf).