



PRESIDENT OF THE ASSEMBLY OF STATES PARTIES

MR. O-GON KWON

*Remarks at Solemn Hearing in Commemoration of the 20th Anniversary
of the Adoption of the Rome Statute of the International Criminal Court*

17 July 2018
The Hague, The Netherlands

Mr. President of the International Criminal Court,
Your Excellency, Mr. President of the Federal Republic of Nigeria,
Ministers,
Honourable Judges,
Madam Prosecutor,
Mr. Registrar,
Your Excellencies,
Distinguished Guests,
Ladies and Gentlemen,

I am honoured to be here today representing the Assembly of States Parties to commemorate, together with you, a significant event. I would like to express my deep thanks to all the participants who travelled long distances to The Hague to participate in and share this important 20th anniversary of the adoption of the Rome Statute of the International Criminal Court. In particular, I thank the President of Nigeria for honouring us with his presence and showing his leadership in support of the international community.

Twenty years ago today, in a dramatic vote in the early hours of the morning at the Rome Conference, States overwhelmingly adopted the Statute of the ICC. This vote proved to be an historical breakthrough reflecting a collective determination to put an end to impunity for the most serious crimes of concern to the international community.

The International Criminal Court has since become, with the crucial support of States Parties and civil society, a fully-fledged and leading international institution in the fight against impunity. 20 years later, the Court is now an integral part of the international system and its work contributes to the development of the rule of law, the promotion of human rights, and to a more peaceful and secure world. Today, the Court stands as a permanent beacon of light and a symbol of hope for the victims of such horrific crimes.

The Rome Statute did not only create the first permanent International Criminal Court, it also established a complex yet innovative system of international criminal justice with complementarity and cooperation at its core. Much has been achieved since that momentous occasion in 1998, but there are still many obstacles and challenges in the road ahead.

With no police force to execute its arrest warrants or other judicial orders, the Court must rely on governments for arrests and to assemble necessary evidence and witnesses. Cooperation is therefore indispensable if this Court is to fulfil its mandate. In this regard, the recent challenges surrounding non-cooperation negatively affect the Court's ability to do its job, and also its credibility as a result.

The principle of complementarity is the bedrock of the system and thus the primary responsibility for addressing Rome Statute crimes rests with national jurisdictions. However, only half of the 123 States Parties have adopted the national implementing legislation necessary to ensure they have the capacity to investigate and prosecute these crimes at the domestic level, and to cooperate with the Court effectively. Bearing this in mind, I find the recent withdrawals from the Statute most unfortunate, notwithstanding this principle of complementarity. Such developments generate regional segmentation and send the wrong signal to the international community.

With more than two-thirds of the world's nations having signed, ratified or acceded to the Rome Statute, there is a clear movement towards universality. However, many States remain out of the Court's reach. On the one hand, major global and regional powers, including three of the five permanent members of the UN Security Council, have not yet ratified the Rome Statute and some regions of the world are still largely under-represented, including Asia-Pacific region, the Commonwealth of Independent States (CIS), the Middle East and North Africa. In addition, the Court remains bound by its treaty limitations and therefore is unable to address every international crime committed in the world.

Unfortunately, this has generated negative perceptions of selective justice and double standards, making the Court vulnerable to attacks. Delivering international criminal justice swiftly, fairly and with quality is not a job the Court can do on its own. The

Assembly of States Parties has a very important role to play in this regard, and the Court requires not only its continued, strong political and diplomatic support but also concrete and swift action.

Excellencies, Ladies and Gentlemen,

There are serious challenges ahead, but we must not lose our optimism or faith in the process. At this important juncture in its history, the Court needs our support more than ever. I wish to use this occasion to reassure the Court as a whole that it can count on the continued support of States Parties. We remain united and steadfast in our common struggle in the fight against impunity.

I am certain that the Rome Statute is as necessary today as it was 20 years ago. And I believe it is important to go "back to the basics" with a renewed dedication, commitment and also excitement – just as we did when we first adopted the Rome Statute. Let today serve as a time to reflect, look back, appreciate what we have accomplished, and most importantly revive our commitment to the fight against impunity.

Thank you for your attention.