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International
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Court

Le Président
The President

Judge Chile Eboe-Osuji
President
International Criminal Court

Opening remarks at High-Level Regional Seminar

“The International Criminal Court and South America: Opportunities for
Cooperation and Exchanges of Experiences at 20 Years of the Rome Statute”

7 June 2018
Quito, Republic of Ecuador

Excellencies,
Ladies and Gentlemen,

1. It is an honour for me to address you today as we come together for this High-Level Regional Seminar dedicated to cooperation between the International Criminal Court and South American States.
2. I must begin by thanking our host, the Government of Ecuador, for taking the initiative to convene this important event, and for co-organising it with the Court.
3. I would also acknowledge the generous financial support of the European Commission, which has made this Seminar possible.
4. And I thank all the esteemed dignitaries here today who have travelled from across the vast continent of South America.
5. That so many of you have taken time from your pressing responsibilities to be here is testament to your commitment to the ICC, and to the project for which it stands: an international legal order that respects the rights and dignity of human beings, and that upholds a just global society.

6. This event is particularly fitting to hold this year, as we mark the 20th anniversary of the adoption of the ICC's founding treaty, the Rome Statute.
7. It provides us with a valuable opportunity to look back and share experiences accrued in our shared mission to ensure accountability for the most serious crimes.
8. And just as importantly, it also gives us a welcome opportunity to look forward, and discuss concrete steps to deepen and enhance our cooperation, so that we may realize the full potential of the Rome Statute.

9. Let us begin by reminding ourselves of why and how we came here. Of why the ICC exists at all. Of what it was set up to achieve.
10. ICC is a Court that would always be there to deter grievous crimes of atrocity and assure that, if they did occur, they would be noted and be met with impartial justice according to law.
11. A Court that would be an indispensable cornerstone of the global structures built to ensure peace, security and the wellbeing of all humankind.

12. Our coming together at this event is all the more important for the fact that your national jurisdictions and the ICC do play a critical role together in the global system for accountability.
13. The Rome Statute recognizes that States have the first right and duty to prosecute international crimes. The ICC may only exercise jurisdiction where national legal systems fail to do so, because they are unwilling or unable to do so, genuinely.
14. This principle, which we call complementarity, is based both on respect for the sovereign jurisdiction of States, as well as recognition that justice is usually best served when administered closest to home.

15. The complementarity principle also explains why it is so important to domesticate the Rome Statute crimes and norms into domestic law through legislation.
16. Indeed, accession to the ICC system without implementation is to go only part of the way that is contemplated by the idea of complementarity.

17. The Court has no police to enforce its powers - it depends on the robust cooperation of its States Parties – an obligation emanating from the treaty.
18. And for that obligation to be turned into timely and effective judicial assistance, adequate national implementing legislation needs to be in place in all member States.
19. I do hope that concrete steps forward will emerge from this seminar, leading to more comprehensive implementation of the Rome Statute in the national systems on the continent, both for the sake of domestic capacity to investigate and prosecute cases, as well as for smoother cooperation with the Court.

Excellencies,
Ladies and Gentlemen,

20. Since coming into operation, the ICC has come quite far: probably much farther than most of us expected in 1998 when the Rome Statute was adopted.
21. The Court has been hearing cases at all stages – from pre-trial to trial and appeals; as well as proceedings on reparations to victims.
22. The judges of the ICC have produced wide-ranging, rich jurisprudence that breathes life into the legal provisions of the Rome Statute – and we continue to do that.
23. In so doing, we have drawn inspiration from national, but also regional, jurisdictions, including the Inter-American Court of Human Rights, particularly in relation to reparations.

24. The fairness of trials is paramount at the ICC, and legal aid is provided both to defendants who need it, as well as to victims in their participation in the proceedings.
25. The Prosecutor has 11 situations under investigation – five of them following referrals from the governments of the countries concerned.
26. With 123 States Parties, the Court enjoys broad support across the world.
27. International criminal justice, for the purposes of accountability, is here to stay.
28. And yet, we cannot rest content. And while we must and do commemorate the 20th Anniversary of the Rome Statute this year, we do not celebrate, because the very ills that the ICC was established to address persist in our time. Thousands upon thousands of victims who seek justice and protection around the world, are not getting them. We must use the 20th anniversary to reflect on how we can do better to give them the fullest benefits of the ICC.

29. Unfortunately, as long as the Rome Statute lacks universal ratification, the ICC cannot intervene everywhere where such odious crimes are committed.
30. Unless there is a referral from the UN Security Council, the Court's jurisdiction is limited to crimes committed in one of the 123 States parties, or by their nationals.
31. Given the political dynamics of the Security Council, promoting universal ratification of the Rome Statute must be a top priority for all of us. That is the best way to ensure the possibility that the ICC can exercise jurisdiction everywhere that serious crimes are committed, when States fail to exercise their primary jurisdiction.

32. We must reach out to those who have not yet joined.
33. We must dispel misconceptions and impress, upon all, the enduring value of the Rome Statute.
34. We must share experiences and good practices for overcoming obstacles.

Excellencies,
Ladies and gentlemen,

35. Enhancing cooperation, strengthening national systems, and promoting universality - these are tangible goals whose achievement requires practical solutions – solutions that all of us in this room must find.
36. We must equally devote our minds to considering how we can jointly motivate diplomatic support, encourage political will, and promote public understanding of the Court.
37. International justice is not just a concept to be admired in the abstract.
38. Hard work and steadfast commitment are required to ensure that justice prevails over politics. And that it functions effectively for individuals, societies, and humanity.
39. These are very achievable objectives, but only if the Court and States work together. I am very confident that we will succeed if we put our minds to it.
40. *Muchas gracias.*

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