



Cour
Pénale
Internationale

International
Criminal
Court

Le Président
The President



Judge Geoffrey Henderson

High-Level Seminar on Fostering Cooperation with the International Criminal
Court

10-11 January 2017

Opening remarks

Check against delivery

10 January 2017
Port of Spain, Trinidad and Tobago

Possibly mention by name high-ranking key personalities present at the opening

Excellencies,

Mr Registrar,

Distinguished experts,

Ladies and gentlemen,

It is a great pleasure for me to address the opening session of this High-Level Seminar for Fostering Cooperation between countries of the Caribbean Community and the International Criminal Court.

At the outset, I would like to thank the government of my own country, Trinidad and Tobago, for its cooperation in hosting the seminar, and the European Commission for the generous financial support that has made this event possible.

The Caribbean region played a pivotal role in the negotiations that led to the adoption of the Rome Statute. Under the leadership of former President Arthur N.R. Robinson, Trinidad and Tobago revived the idea of a permanent international criminal court which had lain dormant for decades during the cold war.

In response, the United Nations General Assembly asked the International Law Commission to resume its work on drafting a statute for an international criminal court.

The Statute was adopted in Rome in 1998, and only four years later it entered into force. Eleven out of the fourteen independent members of CARICOM have subsequently become States Parties, and the three others have expressed their intention to join by signing the treaty.

The strong support of CARICOM for the International Criminal Court has continued to this day. Most recently it was demonstrated in the statement made [by T&T] on behalf of CARICOM at the United Nations General Assembly last

October, restating the Community's support for the ICC and its objective to put an end to impunity for the most serious crimes under international law.

The statement of the CARICOM recognised "the importance of the ICC to promoting the rule of law, encouraging respect for human rights, achieving sustainable peace and the further development of nations, in accordance with international law and the purposes and principles of the Charter of the United Nations."

This is very important point. An effective system of international criminal justice forms an essential part of a rules-based global system for a peaceful and humane world.

CARICOM's statement at the UN urged all States which have not yet done so to take the necessary steps to ratify and fully implement the Rome Statute of the ICC. The High-Level Seminar is an excellent opportunity to discuss together how to make further progress toward these very goals.

And in fact this event comes on the back of a very productive year at the ICC.

In 2016, three judgements were pronounced by the Court, convicting a total of seven accused.

We saw the first ever admission of guilt at the ICC, the first convictions on command responsibility, sexual violence and the destruction of cultural property, as well as the first trial on charges of witness interference.

At the moment three trials are ongoing at the Court. Proceedings on victim reparations are underway in four cases following convictions. Ten situations are under investigation, and the Prosecutor is examining another ten situations on different continents to assess whether an investigation should be opened.

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However, many challenges remain for international criminal justice, and the role of States is pivotal in tackling them.

First of all, the ICC is a Court of last resort. Domestic jurisdictions are the primary line of defence against impunity, and they should be properly equipped to prosecute Rome Statute crimes in the first place. That may seem like a remote possibility for many of the countries in our region, but in today's globalised world, all countries should see to it that they have criminalised core international crimes. This is necessary in order to ensure that globally there is a clear and consistent message that such grave offences will not go unpunished.

When both States and the ICC are fully equipped to prosecute international crimes, our combined deterrent effect is multiplied.

The other area where States play a key role is cooperation with the ICC. From investigations to enforcement, from arrest and surrender to witness protection, the ICC depends on the assistance of States to carry out its mission.

For this purpose, it is necessary for States to have adequate procedures in place under national law to enable cooperation and to make sure it can be provided in a smooth and timely manner.

I know that many countries in our region do not yet have dedicated legislation in place implementing cooperation obligations from the Rome Statute, or incorporating the crimes in the national criminal code. I am of course fully aware that these matters compete with many other priorities on the legislative agenda.

This seminar provides an excellent opportunity to exchange perspectives on the possible solutions to the legislative challenges. In this respect I am particularly delighted that the Commonwealth Secretariat is participating in the Seminar and can provide information on the Commonwealth Model Law on the implementation of the Rome Statute.

Excellencies,
Ladies and Gentlemen,

I have now been a judge of the ICC for three years. It has been a rewarding time, being able to participate first hand in ground-breaking judicial work carried out

on behalf of the international community as a whole. The moving testimonies we hear in the courtroom remind us every day of the importance of our mandate.

It has also been a period of very hard work. The demand for justice is high, and the Court has its work cut out for it. At the same time, the ICC is still a young permanent institution, and we are constantly trying to improve our working methods to make the proceedings more efficient.

On this path, your support is essential, both in terms of the political commitment of governments as well as the technical cooperation of national authorities and the backing of the global legal community.

The values of the Rome Statute are common to all of humanity – people everywhere want to live in peace, prosperity and stability, without fear of violence and conflict.

This is why I sincerely hope that we will see more countries joining the Rome Statute, in our region as well as in all other parts of the world.

The rule of law is one of the best investments we can make for the good of our societies, as well as for the global community at large.

Joining the ICC signals commitment to international law, human rights, peace and security. It is also a strong statement of solidarity with victims everywhere.

Genocide, crimes against humanity and war crimes cause immense suffering and long-lasting damage. With the International Criminal Court, our Caribbean nations join the rest of the world in showing that such atrocities cannot be tolerated.

Thank you.