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**International
Criminal
Court**

Statement by

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to the United Nations**

at the Sixth Committee

on

**Agenda item 83
"The Rule of Law at the national and international levels"**

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Mr. Chairman,

It gives me great pleasure to address this Committee, on behalf of the ICC, this important topic “*the rule of law at the national and international levels*”

Mr. Chairman,

Coming on the heels of the just-concluded high level meeting on the rule of law, the ICC believes that this debate is an opportunity to reflect on the discussions and the outcome of the high level meeting. Although the ICC did not get an opportunity to address the High Level meeting, we followed with great interest, the preparatory work leading up to the meeting and participated in the high level meeting as an observer. We also participated in a number of the side events that took place in the margins of the meeting. Nonetheless, we are encouraged that the High Level State representatives, through their speeches and the Declaration adopted by consensus on 24 September, did acknowledge and recognize the central role played by ICC in promoting the rule of law. Through this Declaration, the Heads of States committed, *inter alia*, to ending impunity for genocide, war crimes and crimes against humanity and recognized the role of ICC in the multilateral system that aims to end impunity. They also called upon States that are not yet parties to the Rome Statute to consider ratifying or acceding to it; and emphasized the importance of cooperation with the Court.

Mr. Chairman

Several pledges made during the high level meeting also underlined the relevance of ICC in promoting the rule of law both at national and international levels. In their pledges, many States recalled similar pledges made at the ICC Review Conference held in Kampala in 2010 and made additional pledges including but not limited to:

- Incorporating the Rome Statute crimes into national legislation,
- Ratifying the Kampala amendments to the Rome Statute relating to the crime of aggression and war crimes,
- making voluntary contributions to the Court’s trust fund for victims,
- in the context of complementarity, supporting national prosecution of atrocity crimes and reparations for victims,
- supporting the universality and independence of the ICC,
- encouraging cooperation with the Court, and
- encouraging political and diplomatic support for the ICC.

Mr. Chairman

The Court is grateful to all the States and international organizations that used this high level meeting to affirm or reaffirm their support for the role and work of the Court and pledged to continue this support.

Mr. Chairman,

The Court is also grateful to the UN Rule of Law Coordination and Resource Group and the Rule of Law Unit for the important work they continue to carry out to enhance coherence and coordination among the various actors in the rule of law sector.

In particular we commend their continued interaction and exchange of views with ICC in the formulation of policies and implementation of the various rule of law programmes. In this connection we express our gratitude to the UN Secretary General for his successive reports on the Rule of law, including the latest report on “*Strengthening and coordinating United Nations rule of law activities*” (A/67/290) in which he reiterates the United Nation’s continued commitment to support and cooperate with the Court through provision of logistical support for the Court’s field operations and the exchange of information with the Court. We also note with interest that the United Nations is undertaking a lessons-learned exercise in respect to ensuring accountability for international crimes at the national level and we stand ready to continue engaging with the UN in this regard.

Mr. Chairman

The Court’s contribution to the rule of law is demonstrated through its current case portfolio comprising 7 investigations and 8 preliminary examinations covering various regions of the World.

In the past year the Court has made significant progress in its work: in the situation in Democratic Republic of the Congo, the Court issued its first verdict on 14 March this year. Thomas Lubanga, a war lord notorious for recruiting and using child soldiers was convicted and sentenced to 14 years in prison. Subsequently, in the same case, the court issued a decision establishing the principles for reparations for victims—another landmark decision. In relation to membership, the number of States parties to the Court’s founding treaty, the Rome Statute, increased from 115 to 121; and the Court celebrated its tenth anniversary on 1 July 2012, marking 10 years since the entry into force of the Rome Statute.

Last July, the Government of Mali requested the Prosecutor of the ICC to open an investigation into alleged war crimes committed by rebels in the north of the country, once again underscoring the continued relevance of the Court in addressing the demands for justice in many countries around the world.

The Court’s preliminary examinations carried out by the Office of the Prosecutor, currently in 8 Countries –including Afghanistan, Colombia, Georgia, Honduras, Nigeria, the Republic of Korea, Guinea and Mali - can contribute to the rule of law by encouraging national proceedings for crimes under the Rome Statute. Last year, the office of the Prosecutor published a report on all preliminary examinations and another report is expected in the coming months.

Mr. Chairman

The principle of complementarity under the Rome Statute establishes the nexus between ICC and national justice systems. We cannot talk about ICC in isolation from national justice systems. The notion of complementarity is premised on the fact that a case before ICC will only be admissible if national courts are unwilling or unable to

investigate or prosecute the crimes in question. However in many countries, especially those transitioning from conflict, capacity to prosecute these crimes is very often lacking. Consequently, concerted efforts by the international community are needed to assist these countries to attain their full potential in dealing with these crimes. In this regard the Court will continue to engage with States Parties, the United Nations and other intergovernmental organizations, donor agencies and civil society, with the aim of strengthening national capacities to ensure accountability for the Rome Statute crimes.

And finally, **Mr. Chairman**, while the Court will continue to play its part in promoting the rule of law, it needs the sustained cooperation and support of all States in order to maximize its impact and effectiveness. Of the 17 individuals subject to arrest warrants, 11 remain at large, including in the two cases referred by the UN Security Council. It will take concerted efforts by the international community to bring these individuals to justice. Our common commitment to the rule of law requires that we ensure accountability for those responsible for the most serious crimes of international concern. This commitment should also inspire those States that have not yet ratified or acceded to the Rome Statute, to consider doing so to ensure universal reach for the Court.

I thank you Mr. Chairman.