



**Cour
Pénale
Internationale**
**International
Criminal
Court**

Le Président
The President

Judge Sang-Hyun Song
President of the International Criminal Court

8th Consultative Assembly of Parliamentarians for the International
Criminal Court and the Rule of Law

Remarks at the opening session

– CHECK AGAINST DELIVERY –

Rabat, Morocco
4 December 2014

Honourable Speaker of the Chamber of Representatives,
Honourable President of the House of Councillors,
Your Excellency, Minister of Justice of the Kingdom of Morocco,
Honourable President of the International Council of PGA,
Honourable Chairman of the PGA National Group in Morocco,
Excellencies,
Esteemed Senators, Honourable Members of Parliament,
Ladies and Gentlemen,

On behalf of the International Criminal Court, let me extend a warm greeting to all of you.

I have had the pleasure of addressing two previous sessions of this Assembly, and greatly appreciate PGA's invitation which allows me to reach out one more time to this unique forum.

Parliamentarians for Global Action has long been a vital partner of the ICC, engaging in tireless, systematic efforts to promote universality and full implementation of the Rome Statute.

I would also like to take this opportunity to thank the Kingdom of Morocco for its warm hospitality and cooperation in hosting this 8th Consultative Assembly.

Furthermore, I want to congratulate Morocco on its recent accession, on 24 November, to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This shows Morocco's increasing participation in the international mechanisms for the rule of law and the prevention of human rights violations.

Joining the ICC would be a logical next step to take. Morocco's ratification of the Rome Statute would be a hugely important advancement for the international community's efforts to end impunity for genocide, crimes against humanity and war crimes everywhere on earth.

Excellencies,

The ICC's activities continue to increase and expand. When I addressed the 6th Consultative Assembly four years ago [in Kampala], the ICC had only just opened its 5th investigation. By the time of the 7th Consultative Assembly in Rome, we had two more investigations. And now, two years later, we have again two more, bringing the number to altogether 9 investigations.

The Prosecutor is also conducting preliminary examinations, following and analysing situations in 9 countries on several continents.

The ICC's judicial work has likewise made enormous progress. This year, the ICC has issued two final convictions. Mr Germain Katanga was sentenced to 12 years' imprisonment for his role in an attack on a village of civilians.

A few days ago, the Appeals Chamber issued its first judgement on the merits, upholding the conviction and sentence of Mr Thomas Lubanga for the use of child soldiers.

These are important milestones in the international community's fight against impunity for the most abhorrent crimes.

We have come a long way from the days of Rome in 1998.

What used to be an abstract idea has been turned into a busy international judicial institution that is carrying out its mandate with professionalism and integrity.

The ICC's work is having a direct impact on people from communities affected by war or extreme violence. The Rome Statute's progressive provisions on victim rights have been given concrete effect at the ICC.

The ICC has provided free legal representation to almost 10, 000 victims, which has allowed them to participate in the proceedings, so that they can make their views and interests known to the judges.

Thousands of victims have applied for reparations for the harm they have suffered, again with free legal assistance.

Alongside the judicial proceedings, the Trust Fund for Victims is supporting over 110,000 victims through physical and psychological rehabilitation and material support.

All in all, I am proud of what we have achieved in the ICC's first 12 years.

However, there is still a long way to go to ensure that every individual is included under the protective umbrella of the Rome Statute.

Currently, only 33% of the world's population are citizens of State Parties. This is one of the reasons why we must redouble our efforts to attract more countries to the ICC family.

Universality brings benefits for everyone involved. Every new ratification strengthens the Rome Statute system as a whole, advancing the prevention of crimes everywhere and reducing the likelihood of any atrocity crimes going unpunished.

Anyone who would attempt to commit genocide, crimes against humanity or war crimes on the territory of a State Party would risk prosecution by the ICC and arrest in any of the 122 States Parties.

Every country that joins the ICC sends a strong and unequivocal signal of their commitment to the protection of fundamental human rights and dignity.

Despite the ICC's progress, some States are still hesitant about joining the Rome Statute. Sometimes this is based on misconceptions about our mandate and jurisdiction. A common misunderstanding concerns the non-retroactivity of the Rome Statute. I frequently stress that the ICC is an insurance policy for the future, not a method for settling old scores.

Let me be very clear about this: ratification of the Rome Statute does not give the ICC any rights whatsoever to investigate anything that may have happened in the past.

The principle of complementarity is also important. As you know, the ICC has no right to interfere with the work of a normally functioning national jurisdiction.

Under the Rome Statute, national jurisdictions retain the primary responsibility to investigate and prosecute. The ICC can only exercise jurisdiction over a matter if domestic legal systems are not doing that.

If a State can demonstrate that it is conducting genuine investigations or prosecution, the ICC must defer to the national jurisdiction. Just recently, this happened in practice, in the case of Mr Abdullah Al-Senussi, in the Libya situation.

Finally, an important reason to join the ICC is that it gives your country full rights to participate in all negotiations and decisions of the Assembly of States Parties.

Of course, ratification is not the end of the road. Quite the contrary. After joining the ICC, there is much for each State Party to do.

- States should incorporate Rome Statute crimes in the criminal code and pass implementing legislation to regulate all necessary forms of cooperation.
- States Parties should ratify the Agreement of the Privileges and Immunities of the ICC.
- And States Parties should lend diplomatic support and full judicial cooperation to the ICC. States should also consider giving additional assistance, for instance in the relocation of witnesses or the enforcement of sentences.

Parliamentarians play an important role in all these matters. As persons of trust and reputation within your country, you have the power to bring answers to any concerns your government or constituencies may have.

You can ensure that Rome Statute issues gain priority on busy legislative calendars. As parliamentarians dedicated to the cause of international criminal justice, your energy and perseverance is much needed.

Excellencies, ladies and gentlemen, dear friends,

Before I finish, I would like to express again my gratitude and appreciation for PGA's long standing support of the ICC and particularly, to Dr David Donat Cattin for his diligent work. I always enjoy cooperating with PGA.

Soon, my mandate at the International Criminal Court will come to an end. I am proud that the ICC has come so far since I first walked through its doors.

I feel privileged that I have had the opportunity to participate in the formative years of a new permanent international body, an institution that symbolises the international community's promise that mass atrocities can no longer be tolerated. That we will protect the right of every child, woman and man to live in peace, and free of fear of violence. That those who abuse armed force against innocent victims will be held to account.

These promises have been failed too many times. We must change that, here and now. The ICC is an integral part of that change, and I urge all of you to embrace and support it.

Your efforts are crucial. Together we can succeed.

Thank you for your attention.