



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

20th anniversary of the Rome Statute: the need for universality and the International Criminal Court's jurisdiction over the crime of aggression

Tuesday, 17 July 2018, 10:00 a.m. to 11:45 a.m.

United Nations Headquarters, Conference Room 2

Statement delivered by Ms. Petra Bayr, MP (Austria)

President of the United Nations General Assembly;

Ms. Aurelia Frick, Minister of Foreign Affairs of the Principality of Liechtenstein;

Ms. Yoka Brandt, Vice-Minister of Foreign Affairs of the Kingdom of the Netherlands;

Excellencies:

On behalf of Parliamentarians for Global Action (PGA), a global parliamentary network of 1,400 legislators in 144 democratically elected parliaments in the world, it is my distinct pleasure to be here with you today as **co- sponsoring organization** of such a momentous occasion: the commemoration of the 20th anniversary of the Rome Statute of the International Criminal Court (ICC).

2018 is a crucial year for the development and consolidation of International Criminal Law.

16 years after the Rome Statute's entry into force, 20 years after its adoption and, above all, 73 years after the adoption of the London Charter establishing the International Military Tribunal at Nuremberg, **unity and coherence** will be restored to the list of the most serious crimes of concern to the International Community, with the 1st core crime of 1945 and 4th core crime of 1998 to become operational within the jurisdiction of the first and only permanent International Criminal Court, the ICC.

This is excellent news as “[...] waging a war of aggression, [...] is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”¹ Mass atrocities resulting from all ICC core crimes,

¹ [The Judgment: The Nazi Regime in Germany](#), Yale Law School

namely genocide, crimes against humanity, war crimes, and aggression, cause enormous human suffering and death, either directly or indirectly, to victims and their descendants or successors, leaving behind a multi-generational legacy of victimization.

The 20th anniversary of the Rome Statute offers an opportunity to reflect on the progress made, as well as the challenges that the Rome Statute system is facing. The Rome Statute is an accountability system based on the principles of **complementarity and cooperation**. After the Nuremberg Trials, the international community as whole decided that international crimes by their nature, gravity and scale not only fundamentally violate mankind in its essence and the democratic principles upheld by law-abiding nations but also “[...] threaten the peace, security and well-being of the world [...]”²

It is important to recall that to ensure the efficiency of the system, the 123 States Parties should implement the treaty norms in their respective legal orders since they have the primary obligation to investigate and prosecute alleged perpetrators of international crimes.

In this regard, **Parliamentarians have an essential role to play in building and improving the domestic Rule of Law**, as well as ensuring through their oversight prerogatives that the norms are enforced and respected. Parliamentarians also have the responsibility to engage with constituencies to educate and sensitize them to the available recourses they have nationally and internationally to protect fundamental human rights. Dialogue is paramount in the endeavor to foster peaceful and inclusive societies and achieving the Sustainable Development Goals. The ICC remains “a beacon of hope” for the international community at large, and especially for the victims of international crimes who often cannot seek justice and reparations before their unable or unwilling national courts.

We are witnessing today in many parts of the world atrocities being committed, while the international justice mechanism centered on the ICC faces challenges to take action or to bring alleged perpetrators to justice. Indeed, some countries in which mass-atrocity crimes are committed fall outside of the **territorial jurisdiction** of the ICC: This is the case of Syria, Iraq, Yemen and South Sudan.

Additionally, another challenge is the lack of cooperation of States with the ICC, inter alia, regarding the enforcement of arrest warrants against ICC fugitives, especially when such fugitives are holding positions of power. However, we must re-state in very clear and strong terms on behalf of our entire global network of 1,400 Parliamentarians in 144 countries that the essential foundation of the customary international law applicable to the most serious crimes is that all

² Preamble of the [Rome Statute of the International Criminal Court](#), paragraph 3, page 1

obstacles to impunity have been removed under International Law since Nuremberg: No official capacity shall serve to provide immunity from prosecution or arrest, in defiance of the obligation to bring to justice Heads of States and other most senior officials for genocide, crimes against humanity, war crimes and crimes against the peace before the ICC.

PGA supports the Rome Statute system because it reaffirms **the principle of equality of all before the law**, and the ICC would have not received all the political support from our global membership in 77 successful National ratification processes if it would have been mistakenly characterized as a Court of last resort for rebel leaders only.

The world is facing many challenges: political, economic, societal, but it is time to say enough! It is time for States to take their responsibilities. We cannot continue to speak about justice, accountability, human rights, peace without actively taking steps to achieve them.

On this occasion, **I call on the States that have not ratified the Rome Statute to do so**. PGA will continue promoting the universality of the Statute through dialogue, unwavering political will, effective cooperation and capacity-building.

I urge all States Parties to achieve the **full implementation** of the Rome Statute of the ICC in their domestic legal orders as well as cooperation not only with the ICC but also with other States.

I urge all States that have not ratified the Kampala Amendments on war crimes and the crime of aggression to do so, as well as other amendments to the Rome Statute such as the Belgian Amendment on the inclusion of three categories of weapons that cause unnecessary and unimaginable suffering.

To conclude, the Rome Statute system is a formidable tool for the prevention of mass atrocities. If each State does its part to ensure the efficiency of the system, we may achieve a *rules-based international order* for peace, justice, and respect of fundamental human rights.