

UK House of Lords

Queen's Speech, Debate (5th Day) (15 May 2013)

Baroness Stern (Crossbench)

"My Lords, I feel very privileged to have the 54th slot on the speakers list and to be the last Back-Bench speaker in this fascinating debate. I want to concentrate solely on matters relating to the International Criminal Court.

I welcome warmly the support that the UK Government have given to international criminal justice before and since the Rome statute came into effect. I paid a visit to the court last month under the auspices of the parliamentary network, Parliamentarians for Global Action. The officials whom I met at the ICC spoke most warmly of the UK Government's support for the ICC system and for the co-operation extended to the ICC in its investigations and prosecutions. The UK was one of the few states to condemn the visit of Omar al-Bashir, for whom the ICC has issued an arrest warrant, to Chad. All that is much appreciated.

The court is now at the beginning of its second decade of applying the rule of law to crimes against humanity. The Foreign Secretary said in March:

"I am pleased to hear today that Bosco Ntaganda is on his way to The Hague. This is a hugely significant day for victims of conflict in the region. I hope it will contribute to a resolution of the problems in the eastern DRC along with determined efforts to implement wider peace agreements".

When he said that, he summed up the huge change that the existence of the court has brought to victims, to helping resolve conflicts and to bringing peace.

The Rome statute represents a leap forward in international criminal justice in a number of respects. First, the court has severe punishments for those who are convicted, but it does not have the death penalty. That sends a message around the world about the proportionality of the use of the death penalty in those countries which retain it. I particularly welcome that, as I chair the All-Party Parliamentary Group for the Abolition of the Death Penalty.

Secondly, the court gives victims a right that they never had before to participate in court proceedings by expressing their views and their experiences through their own legal representatives. Victims also have the possibility of reparations. The UK Government's announcement of a contribution of a further £0.5 million to the criminal court's trust fund for victims, the third such contribution, is enormously to be welcomed.

Thirdly, the court has the most advanced gender provisions. The Rome statute is the first international treaty to identify crimes against women as crimes against humanity, as war crimes and, in some cases, as genocide. These provisions are all exemplary. The Government's initiative on sexual violence and the G8 declaration on preventing sexual violence in conflict are a great encouragement to all those trying to respond to this particularly terrible aspect of war and conflict.

Against this background of the Government's long-term support for the ICC, perhaps I may raise with the Minister just two issues. First, there is the question of the crime of aggression and the Kampala amendments. These are the amendments to the statute agreed in Kampala in 2010 that will enable the court by 2017 to begin a process to exercise jurisdiction with respect to the crime of aggression. Some 30 notifications are needed for the amendments to be activated. The UK played an important role in Kampala in achieving a consensus on the amendments. What is the Government's thinking now on ratifying the Kampala amendments? Are the Government working with other states' parties, especially in the European Union and Commonwealth, to encourage ratification? Are the Government proposing to incorporate the definition of the crime of aggression in our domestic legislation?

Secondly, there is the very difficult question of the ICC budget. Clearly there are financial difficulties and the court must seek efficiencies and use its money wisely, but the Minister must be aware of the great concern among a large number of those involved about the approach being taken to the ICC and the imposition of a zero-growth budget. This is happening at a time when more cases are being undertaken and there is wide encouragement to take more action against sexual violence. This approach to the budget could bring the danger that there will only be enough funds for conducting cases before the court, so that all the other work essential for justice to be done will be reduced. In particular there is a fear that work with victims and outreach to affected communities will be seriously impaired. Are these concerns being recognised and addressed? I do not expect the Minister to answer these questions tonight: he has not had very much notice. Perhaps he will be able to write to me sometime in the near future."

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