

Chinese Society of International Law

Symposium on the Comparative Study of the International Criminal Law and the Rome Statute 15-17 October 2003 Beijing, China

On the occasion of its Symposium on the Comparative Study of the International Criminal Law and the Rome Statute, 15-17 October 2003 in Beijing, the Chinese Society of International Law (headquartered in Beijing, China) received the following message from the Secretary-General of the United Nations, Kofi Annan:

"With the adoption of the Rome Statute of the International Criminal Court on 17 July 1998, the international community took a major step towards ending the culture of impunity that has too often prevailed in our world.

The Rome Statute establishes a permanent international criminal justice system for the prosecution of individuals who perpetrate heinous crimes of concern to the international community as a whole. It is a unique instrument, which reaffirms faith in fundamental human rights and in the dignity and worth of the human person.

Just five years later, the International Criminal Court is a reality. Governments and civil society groups have worked tirelessly to put in place the agreements and structures needed to ensure the proper functioning of the Court. I am particularly heartened by the importance that the States Parties, and the Court itself, attached to full geographic representation among the eighteen judges elected and sworn in earlier this year, and to electing the Prosecutor, Mr. Luis Moreno Ocampo of Argentina, by consensus.

These first steps in the life of the Court must now be built upon to establish a viable, responsible and universally supported institution. The continued promotion of awareness of the Statute and the Court is vital to that endeavour, since the provisions of the Statute are complex, its aims are often misunderstood, its scope is frequently misrepresented, and its impact on domestic law is difficult for many to comprehend. Your symposium is an opportunity to share knowledge and experience on these and other issues.

The Court is an instrument of justice, not expediency. It can and must serve as a bulwark against evil. At the same time, it is for the Court, now on the verge of beginning its work, to act responsibly and deliberately. In doing so, I believe it will assuage the concerns that linger in parts of the international community, thus opening the door to universal participation.

The United Nations is proud to have been associated with the process of establishing the International Criminal Court, and will continue to support the Court and its work.

On that note, I wish you all the best for a successful symposium."

The Symposium had before it 17 written papers focusing mainly on constitutional, sovereignty and criminal law issues relating to the Rome Statute. Analysis of these matters were based on national experiences in Argentina, Canada, China, France, Italy, Japan, Liechtenstein, Mexico, Netherlands, Norway, Sweden, United Kingdom and the United States. Panel discussions were also held on the ICC, ICTY and ICTR, and Security Council resolutions 1422 and 1487.

Judge Philippe Kirsch, Judge Hans-Peter Kaul, Judge Liu Daqun (ICTY) and Ms. Silvia A. Fernandez de Gurmendi (Chef de Cabinet, Office of the ICC Prosecutor), Ms. Elizabeth Wilmshurst (formerly Deputy Legal Adviser, UK), Professor David Scheffer (formerly US Ambassador on War Crimes Issues) Mr. Adriaan Bos (formerly ICC PrepCom Chairman 1995-1998) Dr. Roy S. Lee (Executive Secretary of the 1998 Rome Conference) together with 12 other experts were amongst the overseas participants. The European Commission presented aspects of its work in support of the ICC.

On the Chinese side, participants included individuals in their personal capacity from the State Council, the Supreme Court, the Supreme Procuratorate, the Foreign Ministry, the Ministry of Justice, the Central Military Committee, the Academy of Social Sciences and professors of law from some 20 universities around China. The Chinese participants also held evening sessions to discuss the relationship between Chinese national laws and international criminal law, and took in a simulation exercise on the ICC jurisdiction and crimes. Proceedings of the Symposium will be published next year in Chinese and English.

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