



ICC: NPWJ celebrates the twelfth anniversary of the adoption of the Rome Statute

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Today marks the twelfth anniversary of the adoption by 120 States on 17 July 1998 of the Rome Statute for the International Criminal Court (ICC), which entered into force on 1 July 2002.

No Peace Without Justice (NPWJ) takes this opportunity to congratulate the international community, in particular the 111 States Parties to the ICC, as well as the large number of States, governmental, inter-governmental and non-governmental organisations and individuals who have contributed to the strengthening of the international criminal justice system.

There can be no doubt that international criminal justice has made great advances in the past year: just five days ago, the ICC issued its first arrest warrant for the crime of genocide, when its Pre-Trial Chamber found reasonable grounds to believe that Sudanese President Omar al-Bashir may have been responsible for genocide in Darfur. The warrant against President al-Bashir is also the first to be issued by the ICC against a sitting Head of State. With this decision, and with its ongoing work, the ICC is fast cementing its place as an integral component of the international community's fight against impunity, by responding to the interests of victims, even against those who are at the pinnacle of power.

2010 was a significant year in international criminal justice, as it marked the occasion of the first Review Conference of the Rome Statute of the ICC, held in Kampala in May-June 2010. During the Review Conference, States agreed on a definition of the Crime of Aggression and the conditions under which the Court will be able to exercise jurisdiction. NPWJ is particularly glad that, while recognising the Security Council's role in determining the existence of an act of aggression, the independence of the Court has been preserved. The Review Conference also provided an opportunity for States to reflect on and evaluate some of the crucial challenges confronting the ICC in its day-to-day work and the impact of the Court on the international justice system. NPWJ also welcomes the outcome documents of the stocktaking exercise and notes with great appreciation that in discussing the impact and challenges of the Court, States have given a central role to the views and perspectives of victims and affected communities, which have been reflected in the final documents. We urge States and the Court itself to continue this process now that the Review Conference has concluded, including through a stronger field presence for the Court, to facilitate its interactions with and maximise its impact for victims and affected communities.

NPWJ also welcomes the decision by the States Parties at the Review Conference to celebrate 17 July as the Day of International Criminal Justice. The recognition of this important day by the States Parties amplifies the voices that have called for a strong international criminal justice system. We call on the General Assembly of the United Nations to endorse this decision and establish the Day of International Criminal Justice as an official United Nations observance, thereby sending a signal to would-be perpetrators everywhere of a global commitment to end the era of impunity.

We call upon the international community, particularly the States Parties to the ICC, to fulfil their commitments undertaken at the Review Conference to strengthening the Rome Statute system, by taking concrete steps to increase its responsiveness to victims and affected communities; implement the principle of complementarity; cooperate fully with the ICC, in particular to enforce all outstanding arrest warrants; and continue to emphasise that justice is an integral part of sustainable peace.

To give real teeth to the threat and promise of justice, all States must ensure that there will be no safe haven anywhere in the world in which alleged war criminals may hide. Countries must not permit their territory to become a refuge for fugitives from justice, no matter their position in their State of origin. For too long, General Ratko Mladic has continued to evade facing justice at the International Criminal Tribunal for the former Yugoslavia; for too long, the majority of those against whom ICC arrest warrants have been issued remain at large. We continue to hope that all persons charged with having committed the most serious crimes throughout the world are brought to justice as a

matter of priority and to urge all concerned to play their part in ensuring this happens, with strength, determination and the courage of their convictions.

Another important goal for strengthening the nascent international criminal justice system and facilitating its deterrent value is implementation of the Rome Statute: all States parties who have not done so should implement the Rome Statute in their domestic laws, so that they may fulfil their obligations under the Rome Statute and ensure they have the laws to investigate and prosecute those suspected of committing the most serious crimes known to the world.

The experience in a number of countries traumatised by years of violent conflict shows that lasting peace cannot be achieved through deals or compromises aimed at granting impunity for violators of human rights and of international humanitarian law. Examples from countries that have attempted to create a hierarchy between peace and justice demonstrates that far from being opposed, peace and justice are two sides of the same coin: there cannot be one without the other; there can be no peace without justice. As imperfect and incomplete as ICC mechanisms might be, we should not buy into the short-sighted and fraudulent argument that they have a negative impact on peace negotiations in countries where investigations are undertaken. In Uganda for example, where a bloody civil war has been raging for over twenty years, it was only when the ICC started its investigations that the protagonists were forced to the negotiating table. In Sierra Leone, there were many attempts at peace, but the one to stick was the process begun when the Special Court for Sierra Leone was already on the table as being an essential and central component of post-conflict reconstruction. The reality is that the ICC strengthens those internal actors who want to build a real and durable peace, based on accountability and the rule of law, and helps create the conditions in which that can actually be achieved.

This Day of International Criminal Justice marks an important milestone in the history of the world, particularly for the victims of crimes under international law. The world today is very different from how it was a hundred or even fifty years ago; there is at least a chance for victims to see justice brought to bear on those people who have planned and instigated the most serious and horrific crimes imaginable. There is also an ever-increasing recognition of victims and affected communities as central stakeholders and partners in the process to see justice done. The fact that the Review Conference began, on Sunday 30 May, with the War Victims Football Game, organised by Uganda Victims Foundation and the African Youth Initiative Network in cooperation with NPWJ, was an important step in this process. Through playing shoulder-to-shoulder with HE President Museveni of Uganda, HE BAN Ki-moon, Secretary-General of the United Nations and Review Conference delegates, victims and affected communities from all ICC situation countries felt that finally, the world was listening and seeing behind the mantle of “victimhood” to their real concerns and needs. We hope that the next International Day to be recognised will be War Victims Day, to commemorate 30 May as the day on which to express our support and respect for those who “have experienced unspeakable atrocities [...] and now work to regain their dignity by helping other people to regain theirs”, as H.E. the Secretary-General said during War Victims Day Football Game.

Today, everyone who has worked so hard to bring the world to where we are today can celebrate and be proud, while recognising the many steps that still remain to be taken and strengthening the necessary resolve to bring the era of impunity to its timely, and final, end.

No Peace Without Justice (NPWJ) is an international non-profit organisation working for the establishment of an effective international criminal justice system and in support of accountability mechanisms for war crimes, crimes against humanity and genocide, with a view to strengthening democracy and the rule of law worldwide. Much of its work is conducted in the field, gathering evidence, providing technical support, seconding experts and conducting extensive outreach campaigns. Extensive fieldwork has been conducted in Kosovo, East Timor, Sierra Leone and Kenya. NPWJ has consistently opposed short-term, unrealistic policies of amnesty or other derogations from democratic principles and the rule of law in the name of stability or an illusory peace.

For further information on NPWJ's work and publications worldwide, see www.npwj.org; for information on our work and publications in Sierra Leone, see www.specialcourt.org. NPWJ is a member of the Steering Committee of the NGO Coalition for an International Criminal Court (CICC) (see www.iccnw.org).