



Judge Sang-Hyun Song
President of the International Criminal Court

7th Consultative Assembly of Parliamentarians for the International Criminal Court and the
Rule of Law
&
World Parliamentary Conference of Human Rights,
International Human Rights Day 2012

Remarks at the opening session

Rome, Italy
10 December 2012

Honourable President of the Chamber of Deputies,
Honourable Vice-President of the Senate
Your Excellency, Minister of Justice of Italy,
Honourable President of the Parliamentarians for Global Action,
Honourable Secretary-General of the Parliamentarians for Global Action,
Excellencies, Esteemed Senators, Distinguished Members of Parliament,
Madam President of the Assembly of States Parties to the Rome Statute,
Honourable Judges, Madame Prosecutor, Madame Registrar,
Ladies and Gentlemen,

It is an immense pleasure to be here today to celebrate both the International Human Rights day and the International Criminal Court's 10th anniversary in the very birthplace of the Rome Statute.

On behalf of the International Criminal Court, let me extend a warm greeting to all of you. In 2010, I had the pleasure to address the previous, sixth session of this Consultative Assembly, ahead of the first Review Conference of the Rome Statute in Kampala, Uganda. I greatly appreciate the opportunity to reach out again to this unique forum which brings together legislators from so many nations. As parliamentarians, you play a fundamental role in the realization of the international rule of law.

I wish to express the ICC's deep appreciation of those who have convened this event. PGA has long been a vital partner of the ICC, contributing to the ratification process in numerous States Parties to the Rome Statute. And by co-hosting this Assembly, the Parliament of Italy is confirming Italy's longstanding, strong support of the ICC.

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At the ICC's tenth anniversary, we have much to celebrate.

Ten years ago, the ICC was little more than a Court on paper. Today, it is a busy international institution at the centre of a new justice system gathering together 121 nations and their domestic jurisdictions.

Let us not underestimate the magnitude of the seismic change that the Rome Statute brought about.

14 years ago in Rome, States laid the foundation for the first ever permanent international mechanism to ensure individual criminal responsibility for the gravest crimes. Today, that mechanism is active and working, with the ICC as its centrepiece.

The ICC's impact goes far beyond the courtrooms in The Hague.

The role of legal advisors in militaries around the world has grown, as generals are increasingly keen to ensure compliance with the international laws of armed conflict.

Authorities in countries such as Yemen and Nepal have committed to stopping the recruitment of child soldiers.

In the Democratic Republic of the Congo, the threat of ICC prosecution had a significant deterrent effect in last year's elections, one of the country's ministers told me.

The Trust Fund for Victims is rendering assistance to over 80 thousand victims on the ground, and the ICC's judicial reparations regime has been initiated for the first time in the *Lubanga* case.

As you can see, the ICC is about much more than just punishing the perpetrators. The Rome Statute and the ICC bring retributive and restorative justice together with the prevention of future crimes.

This is the Rome Statute community's gift of hope to humanity, and I salute all those among you who worked hard on the ratification of the Rome Statute in your respective parliaments.

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Despite all these achievements, sadly the majority of world's population is still deprived of the ICC's protective impact as they live in States not party to the Rome Statute. Many of you come from one of those countries.

I personally experienced the horrors of war as a small boy. I have witnessed the tremendous suffering that atrocity crimes inflict. Even where physical damages can be repaired, the trauma caused by mass deportations, disappearances, rapes or persecution will linger on for decades, for generations.

For the sake of the people you represent, I encourage you to think of ways to protect them from the worst violations of fundamental human rights. Clearly, one of these ways is to join the ICC .

To those of you who come from a State Party, I wish to stress that ratification is the beginning, not the end of the road. One of the crucial next steps is to put in place adequate national implementing legislation: (1) firstly, to ensure smooth cooperation with the ICC; and (2) secondly, to incorporate ICC crimes into your criminal code.

Indeed, domestic jurisdictions have the primary right and responsibility to investigate and prosecute genocide, crimes against humanity and war crimes. The ICC complements national courts; the ICC does not substitute them.

The adoption of national legislation to regulate cooperation with the ICC is not only important for the ICC, but also for the rule of law in your national setting. Having clear procedures in places increases legal security and reduces room for any political manoeuvring on justice issues. I am delighted to note Italy's adoption of cooperation legislation last week.

As parliamentarians, you can also generate support for arrest efforts and encourage your government to enter into voluntary agreements with the ICC on witness relocation or sentence enforcement.

Ratification of the Agreement on the Privileges and Immunities of the ICC is another step that every responsible State Party should take.

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

Excellencies,
Ladies and Gentlemen,

I am fully aware that some States are cautious about joining the ICC. More often than not, this reluctance is based on a lack of information and misconceptions that follow from that.

You, as persons of trust and reputation within your country, have the power to bring answers to any concerns your government or your colleagues may have.

One of the most common fears of governments is that if they join the ICC, the Court will start investigating crimes of the past, which might expose the current government leaders to accountability.

But the truth is that ratification has no retroactive effect! It does not give the ICC any powers to look into past events.

Unless your government has previously made a declaration accepting the ICC's jurisdiction, the legal protection of the Rome Statute only starts from the date your country becomes a State Party. That is good reason to join sooner rather than later.

The ICC is like an insurance policy. Your country may never need it, but if the day comes that you do, you will be happy you subscribed to it.

Esteemed parliamentarians,

You have a powerful voice that can make things change. You have been elected by the people to speak on their behalf.

- Use this voice to protect them from atrocities!
- Use this voice to build a world of peace and justice!
- Use this voice to ensure that your country gives its full support to the ICC, and to the shared values of humanity that it represents!

Thank you for your attention.