



Statement by The Legal Counsel

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**AT THE COMMEMORATION OF THE
20TH ANNIVERSARY OF THE ADOPTION OF THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT”**

The Hague, 17 July 2018

Excellencies,
Ladies and Gentlemen,

I am honoured to speak in the framework of the commemoration of the 20th anniversary of the adoption of the Statute, and in particular to reflect on the “enduring *value of the Rome Statute to Humanity*”.

In this regard, I would like to look at the past, in my first remarks, before turning to the present and the future.

There is a strong relationship between the International Criminal Court and the United Nations. Some attribute the very creation of the Court to the 1989 resolution of the General Assembly on transnational crimes and the establishment of an international criminal court with jurisdiction over such crimes, which revived a negotiation process that had been stalled for decades.

Indeed, the 1989 resolution itself refers back to the work of the International Law Commission on a Draft Code of Crimes Against the Peace and Security of Mankind which started in 1947. One of the questions to be considered by the International Law Commission was, in fact, the creation of such a court.

It was again a resolution of the General Assembly which convened the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, in order to consider the draft Statute of the International Criminal Court prepared by the International Law Commission. This Conference, ultimately adopted the Rome Statute, by a vast majority of votes, on 17 July 1998.

In other words, the International Criminal Court had, since its inception, the strongest support from the United Nations. A support that the United Nations continues to provide to the Court in its daily activities.





Excellencies,
Ladies and Gentlemen,

Twenty years after the adoption of the Rome Statute, the International Criminal Court, as any solid long-term project, is still a “work in progress”. You will agree that your work, and in particular your decisions, are now the focus of the attention of the international community.

In this regard, the enduring value of the Court will be assessed in light of its capacity to react and to adjust itself to the many challenges that it faces.

But it is undeniable that the Court is now, despite the criticisms that it receives, an integral part of the international system. Today, it is clearly accepted that what happened twenty years ago in Rome was a defining moment for the international legal system.

In addition, the effects of the Rome Statute have gone beyond the courtrooms of The Hague. The Court is present in the discussions which take place at the Security Council, at the General Assembly and in many other fora.

The Court also earned its place in the media, in the statements of political leaders and among civil society.

And most importantly, given the centrality of the principle of complementarity to the system, the Rome Statute has had an impact on domestic legal systems, with the development of the primary responsibility of states for prosecuting before their national courts those who have perpetrated atrocity crimes. International criminal law is finally being “domesticated.”

This brings me to a conclusion.

The ideal future of criminal accountability for serious violations of international law will be a situation in which domestic jurisdictions will have assumed their main responsibility in the prosecution of international crimes and will offer guarantees to respect international standards.

The International Criminal Court will remain as the dominant multilateral institution in the field of international criminal justice with, hopefully, fewer cases, and exercising mainly a deterrent and preventive role. This should be its ultimate contribution to humanity.

Thank you.

