

Ideals and values that inspired the creation of International Criminal Court still hold true – UN adviser

7 February 2017 – The setting up of the International Criminal Court (ICC) was a “reckoning” for those who had long disregarded the lives and dignity of their people, the United Nations Special Adviser on the Prevention of Genocide has said and warned that withdrawing from the tribunal could have grave implications for victims seeking redress for serious human rights violations.

“The establishment of the Court signified a global commitment to protect victims, when national judicial mechanisms lacked the capacity, willingness or jurisdiction to prosecute those responsible for the most serious crimes,” wrote Special Adviser Adama Dieng in an opinion piece published in *The East African*.

Since the adoption of the Rome Statute in 1998, more than half of the world’s States have joined the Court, 34 among them are African nations – the biggest regional block to date . In July this year, the Court’s founding Statute will mark the 15th anniversary of its entry into force.

Highlighting the significance of the Court, Mr. Dieng said that the fact that most of the cases in the continent were submitted by African States themselves, reaffirming their belief that it would strengthen the rule of law and respect for the fundamental rights and freedoms of the African people.

However, he added that despite the ICC’s achievements, it is increasingly coming under threat, with recent announcements by Burundi, South Africa and the Gambia to withdraw from the Rome Statute.

“Other States have threatened to do so, if certain conditions are not met,” he wrote, noting that key among the concerns raised by these countries included the “lack of fairness in the prosecution decisions of the Court, perceived by some to disproportionately target African leaders.”

VIDEO: Special Adviser Adama Dieng explains why withdrawing from the Rome Statute undermines international justice for everyone. Credit: UN News

A candid dialogue will enhance mutual trust and cooperation

Noting the need for a candid conversation between all stakeholders, in particular member States and the Court to identify and address legitimate concerns, he said: “Doing this will enhance mutual trust and cooperation and strengthen the capability of the Court to fulfil its mandate.”

Unfortunately, States that want to pull out of the Rome Statute have made little, if any, effort to present their grievances through the established forums

But, he added that the States that want to withdraw from the Rome Statute have made little, if any, effort to present their grievances through the established forums, such as the Assembly of States Parties – the management oversight and legislative body of the Court, composed of representatives of the States that have ratified and acceded to the Rome Statute.

“To have done so would have presented an opportunity to have an open and frank dialogue, and discuss how to make the Court a better institution, one that is capable of responding effectively to the challenges it was established to address,” he emphasized, and “engaging and advocating for reforms should serve the interests of all stakeholders of the Court.”

Reaffirm the commitment to ensure accountability for appalling crimes

Drawing attention to the ongoing atrocities in Syria, Yemen, Iraq, South Sudan and in other parts of the world, he underlined that the time is not right to abandon the Court.

“Rather, States and non-State members should reaffirm their commitment to strengthen the Rome Statute and ensure accountability for these horrendous crimes,” Mr. Dieng said, appealing urging for them to work collectively to ensure the Court can effectively administer international criminal justice without fear or favour, contribute to the fight against impunity, and promote respect for the rule of law and human rights.

“As someone who witnessed first-hand the horrors in Rwanda, the Former Yugoslavia, Sierra Leone and elsewhere, and who has been closely involved in the delivery of international justice at the International Criminal Tribunal for Rwanda, I know too well the consequences when the international community undermines the efforts of international justice,” he said.

“We owe it to the victims of these horrendous crimes to strengthen rather than undermine the International Criminal Court, and to reaffirm our commitment to the Rome Statute to ‘put an end to impunity for the perpetrators of these crimes and thus contribute to their prevention’.”

AUDIO: The Special Adviser speaking on the need for dialogue between the court, countries, civil society and the victims of atrocities.