

Commemoration of the 20th Anniversary of the Rome Statute
15-16 February 2018

Written Statement by Justice Richard J Goldstone:

This year we celebrate the 20th anniversary of the Rome Statute for the International Criminal Court. Its adoption in Rome was as important as it was surprising. The successes of the United Nations ad hoc tribunals for the former Yugoslavia and Rwanda and the Special Court for Sierra Leone led to the call, mainly from civil society, for a permanent international criminal court. It was recognised that leaving the establishment of international criminal tribunals to the political vagaries and biases of the Security Council would not facilitate the international rule of law. Whether to prosecute alleged war criminals should be determined by the nature of the crimes committed and not on the country or countries in which the crimes are committed.

Of course, the international rule of law requires that all alleged criminals should be treated alike. That is also in accord with one's instinctive regard for fairness and equity. Nationals of the powerful and wealthy nations should not receive or be granted impunity. That, indeed, was the hope for the ICC. In that hope lies its present weakness. The four most populous nations have remained outside the Rome Statute - China, India, Russia and the United States. This understandably rankles with the smaller and less powerful nations. It also helps to explain the sometimes irrational attacks that are made of the ICC by some African governments. The goal should be inclusiveness and not abandoning international criminal justice.

It is difficult, if not impossible, to envisage our world today without an International Criminal Court. In our time we face advances in weapons technology, the growing scarcity of resources, over-population, the growth of nationalism and populism and climate change. These developments help explain the growing number of wars and especially civil wars. So too, the horrendous number of civilian deaths and injuries. We owe it to the victims of war crimes that their victimhood should not be ignored and that justice on their behalf should be pursued. The hope that at least in some cases criminal justice might act as a deterrent should not be left out of account.

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In all of these circumstances, as we mark the 20th Anniversary of the Rome Statute, the message that should go out is that the 123 nations that have ratified the Rome Statute should place added pressure on the governments of those nations that have not ratified the Rome Statute to join in this crucial endeavour. They should join in withdrawing effective immunity from those criminals responsible for so much suffering.

The CICC remains an impressive coalition of over 2000 non-governmental organisations who have joined together in support for the ICC and in recognition of the role it plays and can play. The CICC should be congratulated on the crucial work that it has performed and is playing in this endeavour.

-Justice Richard J Goldstone

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