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**Statement by Michael S. Greco, on behalf of the American Bar Association,
to the 18th Session of the Assembly of States Parties
to the International Criminal Court
3 December 2019**

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Mr. President, Members of the Assembly of States Parties, Esteemed Colleagues:

I am Michael Greco. I am a former President of the American Bar Association and serve as Chair of the International Criminal Court Project of the ABA Center for Human Rights.

The International Criminal Court Project is jointly supported by the ABA's Criminal Justice Section and Center for Human Rights and is dedicated to strengthening and enhancing the practice of international criminal justice generally, and the International Criminal Court specifically, through advocacy, education, and practical legal assistance.

The ICC Project is a manifestation of the ABA's long support for the creation of a permanent international criminal tribunal capable of challenging impunity for genocide, war crimes, and crimes against humanity. Since the ICC was established, the ABA has advocated for US ratification or accession to the Rome Statute as well as greater cooperation with and assistance to the ICC's work. This support also extends to causes that seek to strengthen the broader system of international justice, such as the potential negotiation of a crimes against humanity convention. As our system of international justice continues to evolve, the legal profession around the world will play a vital role in making the system of international justice ever more fair, inclusive, efficient, and effective. The ICC works to advance the rule of law and its impact, increase access to justice, protect human rights, and hold accountable those who violate them. These objectives are shared by the ABA.

The International Criminal Court remains the cornerstone of the global system of justice for atrocity crimes, and continued support for the ICC is essential to strengthen and build upon this expanding system. It is therefore imperative to take full advantage of the opportunity presented by the proposed review process that will be discussed throughout this Assembly. With several of the Court's challenges becoming clear in past years, this envisioned review provides a place to consider concerns and potential solutions that may position the ICC to be more responsive to victims' needs and expectations, more consistent in its articulation and application of international criminal law, and even more successful in solidifying the global expectation of justice in the face of "crimes that shock the conscience of humanity." The ABA encourages States Parties both to seek the engagement of diverse voices and perspectives in this process, including from civil society, and also to protect and encourage the independence of any experts appointed for this important task. This initiative has great

potential to have a lasting impact on the Court's history, but its impact will depend on the support and openness of all involved, including the Assembly of States Parties, Court leadership, experts and civil society. We must all be accountable for staying true to the ICC's purposes and guiding principles while also questioning where it has fallen short and can do better to fulfill them.

Lastly, while genuine critique should be welcomed, scrutiny and solutions must continue to respect and protect the independence of the Court's judiciary and legal professionals. This independence is central to the Rome Statute system's integrity, legitimacy, and potential to advance the rule of law during a decisive moment in that progress. The long-term success of the ICC, and its wide-reaching impact for victims, affected communities, national jurisdictions, and the international community, depend on the Court's ability to continue to question, improve, and resiliently pursue its mission to fight impunity for atrocity crimes that still remain too often unaddressed and unchecked more than two decades after its establishment. The Court must be able to do this difficult job without fear of political interference in its investigations and decisions or persecution of its professionals because of their work on behalf of a global institution dedicated to international criminal justice.

This is a time both of challenges and great opportunity for the Court, as well as for its supporters. The American Bar Association continues to stand with the Assembly of States Parties, individual States Parties, International Criminal Court officials and staff, and our civil society colleagues in helping to ensure that the opportunity to strengthen the ICC, both through and beyond a review process, is embraced. And through both these challenges and opportunities, the independence of the Court's judges and legal professionals must continue to be defended and protected.

On behalf of the American Bar Association, I thank you for your attention and for all the work you will continue to do to advance the cause of international criminal justice.

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Michael S. Greco
Chair, International Criminal Court Project of the American Bar Association Center for Human Rights