



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation
for Human Rights

Federación Internacional
de los Derechos Humanos

الفدرالية الدولية لحقوق الانسان

**FIDH Address to the Ninth Session of the Assembly
of States Parties of the International Criminal Court**

9 December 2010

Luis Guillermo Pérez, Secretary General

Mr. Chairman, I have the honour to address this Assembly on behalf of the International Federation for Human Rights (FIDH), and its 164 human rights member organisations around the world.

FIDH and its member organisations monitor carefully the work undertaken by the International Criminal Court (ICC) and by this Assembly. For victims of crimes within its jurisdiction, the Rome Statute system represents the last hope to obtain justice when impunity of those responsible for the crimes in their respective countries continues to bring about violence, such as in the situations in Colombia, Honduras, Palestine, Afghanistan among others.

As in the past, FIDH has prepared a position paper putting forward recommendations which seek to contribute to the Court's punitive and preventive roles, as expected by humanity.

The stocktaking sessions held in Kampala on the impact on victims and affected communities, on complementarity and on cooperation, made significant recommendations which require follow-up by the Assembly, by States Parties individually and by different organs of the Court. The impact of the Review Conference will depend largely on follow-up of those recommendations.

With respect to victims and affected communities, it is imperative to review its strategy on victims. With regard to complementarity, FIDH makes a call for technical assistance to be complemented by monitoring on States' capacity and will to try crimes within the Court's jurisdiction. We believe that the problem of lack of political will to carry out domestic investigations into those most responsible for the most serious crimes needs further attention. With respect to State cooperation, FIDH recommends that one of the priorities for this Assembly in the coming year be freezing and seizing of assets of the accused, bearing in mind that the first decisions on reparations are likely to be taken between 2011 and 2012.

With regard to the Court's budget, FIDH is concerned about the increasing pressure imposed by States for the Court to present "zero nominal growth" budget. While we favour measures to improve efficiency in the use of financial resources, we are concerned about limits being put to the action of the Court in this way. Despite the opening of the investigation in Kenya and the prospect of carrying out at least three trials in 2011, the Court has only requested a minimal increase of its budget.

In relation to the Independent Oversight Mechanism and follow-up on issues of governance of the

Court, FIDH is concerned about the risks of interference in the Court's judicial activities and independence, given the possible lacunes in the interpretation of the IOM mandate. Along the same lines, the proposed study of the efficiency and effectiveness of the Court should clarify its objectives to avoid interference in the Court's internal matters.

The Court has made significant progress in ensuring compliance with its mandate and thus have a deterrent impact. However, FIDH is concerned that serious crimes within its jurisdiction continue to be committed in different parts of the world. In this regard, the Court must ensure that those most responsible be prosecuted.

Thank you for your attention.