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Press Release
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**UN SECRETARY-GENERAL DECLARES OVERRIDING INTEREST OF
INTERNATIONAL CRIMINAL COURT CONFERENCE MUST BE THAT OF
VICTIMS AND WORLD COMMUNITY AS A WHOLE**

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Opening Five-Week Rome Meeting, He Says Court Must Be Instrument Of Justice, Not Expediency; It Must Save Lives, Serve as Bulwark against Evil

(Reissued as received.)

Following is the text of the address by United Nations Secretary-General Kofi Annan to the inaugural meeting of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court:

I have the honour to declare open this United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.

I wish to acknowledge the generosity of the Italian Government, which is hosting this Conference, as it has done for other landmark United Nations conferences in the past, and to express my appreciation of the strong support given by Italy to the United Nations and its activities in general. We are particularly honoured by the presence of President Oscar Luigi Scalfaro with us today.

It is said that all roads lead to Rome. But not all lead there directly. The road that has led us to this Conference in the Eternal City has been a long one. It has led through some of the darkest moments in human history. But it has also been marked by the determined belief of human beings that their true nature is to be noble and generous. When human beings maltreat each other, they call it "inhuman".

Most human societies, alas, have practised warfare. But most have also had some kind of warrior code of honour. They have proclaimed, at least in principle, the need to protect the innocent and defenceless, and to punish those who carry violence to the excess.

Unhappily, that did not prevent acts of genocide in previous centuries, such as the extermination of indigenous peoples; nor did it prevent the barbaric trade in African slaves.

Our own century has seen the invention and use of weapons of mass destruction, and the use of industrial technology to dispose of million upon million of human beings. Gradually, the world has come to realize that relying on each State or army to punish its own transgressors is not enough. When crimes are committed on such a scale, we know that the State lacks either the power or the will to stop them. Too often, indeed, they are part of the systematic State policy, and the worst criminals may be found at the pinnacle of State power.

After the defeat of Nazism and fascism in 1945, the United Nations was set up in an effort to ensure that world war could never happen again. The victorious Powers also set up international tribunals, at Nuremberg and Tokyo, to judge the leaders who had ordered and carried out the worst atrocities. And they decided to prosecute Nazi leaders not only for "war crimes" -- waging war and massacring people in occupied territories -- but also for "crimes against humanity" which included the slaughter of their own fellow citizens and others in the tragedy we now know as the Holocaust.

Was it enough to make an example of a few arch-criminals in two States that had waged aggressive war, and leave it at that? The General Assembly of the United Nations did not think so. In 1948, it adopted the Convention on the Prevention and Punishment of the Crime of Genocide. And it requested the International Law Commission to study the possibility of establishing a permanent international criminal court. In this area, as in so many, the cold war prevented further progress at that time. If only it had prevented further crimes against humanity as well!

Alas, this was not the case. I need only mention, as the most notorious single example in that period, the killing of more than 2 million people in Cambodia between 1975 and 1978. As you know, the man who organized that horror died just two months ago, without ever being brought to answer for his crimes before a court.

Humanity had to wait until the 1990s for a political climate in which the United Nations could once again consider establishing an international criminal court. And, unhappily, this decade has also brought new crimes to force the issue on the world's attention. Events in the former Yugoslavia have added the dreadful euphemism of "ethnic cleansing" to our vocabulary. Perhaps a quarter of a million people died there between 1991 and 1995 -- the great majority of them civilians, guilty only of living on the "wrong" side of a line someone had drawn on a map.

And then, in 1994, came the genocide of Rwanda. On my visit there last month, I was able to register at first hand the terrible, irreparable damage that event has done, not only

to one small country but to the very idea of an international community. In future, the United Nations and its Member States

- 3 - Press Release SG/SM/6597 L/2871 15 June 1998

must summon the will to prevent such catastrophe from being repeated anywhere in the world. And as part of that effort, we must show clearly that such crimes will not be left unpunished.

Events in the former Yugoslavia and in Rwanda overtook the slow processes by which the world was considering the creation of a permanent international court. Ad hoc tribunals had to be set up for those two countries, and they are now at work. They have issued indictments and international arrest warrants. Even those indicted, but who have not yet been arrested, have been turned into international pariahs; though, of course, they enjoy presumption of innocence, they are unable to travel freely or hold political office. A historic milestone was passed six weeks ago when a former prime minister of Rwanda actually pleaded guilty to the charge of genocide.

These tribunals are showing, however imperfectly, that there is such a thing as international criminal justice, and that it can have teeth. But ad hoc tribunals are not enough. People all over the world want to know that humanity can strike back -- that whatever and whenever genocide, war crimes or other such violations are committed, there is a court before which the criminal can be held to account; a court that puts an end to a global culture of impunity; a court where "acting under orders" is no defence; a court where all individuals in a government hierarchy or military chain of command, without exception, from rulers to private soldiers, must answer for their actions.

It is world public opinion which has brought us here today, stimulated by the hard work of the Red Cross, of many other non-governmental organizations and of the humanitarian community -- the relief workers and other personnel who often are on the front-line of conflicts. The whole world will be watching this Conference, and we are expecting concrete results.

I do not underestimate the difficulties you have to overcome in the five weeks ahead. The work of the preparatory committees has shown what a complex issue this is, and how many conflicting principles and interests have to be reconciled.

Some small States fear giving pretexts for more powerful ones to set aside their sovereignty. Others worry that the pursuit of justice may sometimes interfere with the vital work of making peace. You have to take those worries into account. Obviously, you must aim for a statute accepted and implemented by as many States as possible.

But the overriding interest must be that of the victims, and of the international community as a whole. I trust you will not flinch from creating a court strong and

independent enough to carry out its task. It must be an instrument of justice, not expediency. It must be able to protect the weak against the strong.

- 4 - Press Release SG/SM/6597 L/2871 15 June 1998

I know you are ready for long weeks of hard and detailed negotiations. But I hope you will feel, at every moment, that the eyes of the victims of the past crimes, and of the potential victims of future ones, are fixed firmly upon us.

We have before us an opportunity to take a monumental step in the name of human rights and the rule of law. We have an opportunity to create an institution that can save lives and serve as a bulwark against evil. We have also witnessed, time and again in this century, the worst crimes against humanity have an opportunity to bequeath to the next century a powerful instrument of justice. Let us rise to the challenge. Let us give succeeding generations this gift of hope. They will not forgive us if we fail.

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