

Remarks of Justice Richard Goldstone to the United Nations Diplomatic Conference on the Establishment of an International Criminal Court on behalf of the Coalition for International Justice, June 17, 1998.

Mr. President, Honourable Ministers, Honourable Delegates, Ladies and Gentlemen.

As the first Chief Prosecutor of the two United Nations war crimes tribunals for the former Yugoslavia and Rwanda, may I use the few minutes at my disposal to emphasize two aspects-- first, the cardinal importance of a politically independent tribunal and an independent and accountable prosecutor and, second, the interests of the victims.

If the ICC or its prosecutor are made subject to the control of political bodies, whether the Security Council or state parties, it will have no credibility and international justice will be seriously compromised.

If the ICC has a jurisdiction in widespread and systematic violations of the most serious war crimes and crimes against humanity and if the prosecutor is made accountable to the judges of the ICC, the fears expressed by some states of a "run away" prosecutor would be quite unjustified.

That my independence as Chief Prosecutor was guaranteed by the Security Council statute was a meaningful protection. Not only was it important for my relationship with the United Nations and government officials, but it also defined the public expectation that I would exercise that independence. A senior UN official once remarked to me that I was the only UN officer not subject to orders from above and that made me very difficult to handle. That is how it should be.

States parties and all members of the United Nations would have substantial protection if the ICC prosecutor is accountable and removable by judicial process. There is an additional assurance-- the Office of the Prosecutor would necessarily be staffed by professional lawyers and investigators from across the world. They would inevitably be the whistle-blowers if a prosecutor acted inappropriately or had a political bias unfairly prejudicial to any nation.

When I left the Rwanda and Yugoslavia Tribunals in late 1996, there were some three-hundred people in my office from forty countries. They came from four continents. If we had a bias or political agenda I have no doubt it would have become public knowledge within a very short time.

The complementarity rules and judicial procedures to permit challenges to a prosecutor's assertion of jurisdiction would provide additional protection.

The objection to an ICC free of political control are without merit and if they succeed there should be serious doubt as to whether the court should be established at all. It would certainly not receive the confidence and cooperation essential for its success.

Lastly and most importantly, may I say a few words about those who should benefit most from an ICC: the victims. Amidst all the concerns being addressed at this conference-- sovereignty, national interests-- we risk forgetting about the victims. Without an effective, independent court, it is the victims who will suffer the most. It is our responsibility not to let this happen.