

**Cour
Pénale
Internationale**



**International
Criminal
Court**

**Judge Sang-Hyun Song
President of the International Criminal Court**

*Remarks at Ceremony on the Occasion of the Signature of the Agreement on the
Enforcement of Sentences between the Republic of Colombia and the ICC*

*Presidential Palace, Bogotá, Colombia
17 May 2011*

Your Excellency the President of Colombia, Juan Manuel Santos Calderón, Excellencies, (honourable guests), ladies and gentlemen,

It is a great pleasure for me to be here today for the purpose of signing an Agreement on the Enforcement of Sentences between the International Criminal Court and the Republic of Colombia.

The ICC today is a fully functioning court providing justice, deterring future crimes, and generally strengthening the global protection of the most fundamental human rights. Already 114 States have joined the Rome Statute and several others have announced their intention to do so in the near future. We can now say that the ICC has earned its place among permanent international institutions in charge of questions of peace and justice.

Having sufficient options in place to ensure the enforcement of judicially ordered sentences is crucial for the overall credibility of the judicial process at the ICC. According to Article 103 of the Rome Statute, sentences handed down by Judges “shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons”.

By signing this bilateral agreement on the enforcement of sentences, Colombia today joins a group of only six other nations who have made such a commitment, these being Austria, the United Kingdom, Belgium, Denmark, Finland and Serbia.

This is a historic moment as Colombia is the first State from the Latin American and Caribbean region – in fact the first from the Americas altogether – to conclude an agreement on the enforcement of sentences with the ICC. I hope this will encourage other states in the region to follow your lead.

Excellencies,

At the most recent Assembly of States Parties in New York last December, President Santos was the first ever head of state to address the Assembly. He said he came to “proclaim [the Colombian] determination to fight impunity in [his] country and [his] firm support to the work of the International Criminal Court and the complementary criminal justice system created by the Rome Statute...” President Santos went on to say his [QUOTE] “government sees the ICC as an ally in its fight against impunity for heinous crimes, and is willing to cooperate actively with the Court.” [END OF QUOTE]

I fully support this message. The fact that the world now has a fully functioning, treaty-based, permanent international criminal court is a remarkable achievement, but the ICC can only fulfil its mandate with the active engagement and support of the States Parties. This matter is of vital importance to humanity – Rome Statute crimes still plague our world and innocent children, women and men continue to fall victim to unimaginable atrocities.

Let me take this opportunity to recall that the ICC is a court of last resort. States, within their national jurisdiction, always bear the primary responsibility to ensure accountability for serious crimes of concern to the international community as a whole.

In order to make real advances in the global struggle against impunity, we need to strengthen the work of the ICC **and** of national jurisdictions in parallel. We can always do more. We can always do better. And we should not rest as long as there is one perpetrator that did not answer for his crimes, or a victim whose suffering was not heard. **Justice must prevail.**

Excellencies,

Colombia has seen unimaginable human suffering in recent history, and I am glad to hear statements about your country's determination to investigate and prosecute crimes that have been committed on your territory.

I do not have a mandate to assess or give an opinion on the progress of judicial proceedings in your national jurisdiction, and indeed it would be wrong of me to do so, because the matter could – at least in theory – come before me in my capacity as an ICC Appeals Judge.

However, I do want to say this: I wholeheartedly hope that Colombia achieves lasting peace so that future generations in this country can grow up and live without fear of violence.

There is no doubt that justice is one of the key prerequisites for that to happen – comprehensive justice, respecting the fundamental rights of all parties, holding perpetrators criminally responsible and providing reparations to victims.

Your Excellency President Santos,

Today's agreement on the enforcement of sentences takes us one step further in our efforts to secure justice and to prevent impunity. I thank your country for this significant contribution to the work of the International Criminal Court, and I look forward to our continued cooperation in the future.

Thank you.
