

Statement of American Bar Association President Deborah Enix-Ross to the 21st Session of the Assembly of States Parties to the International Criminal Court

December 5, 2022

Madam President, Members of the Assembly of States Parties, and Esteemed Colleagues:

On behalf of the American Bar Association, thank you for the opportunity to present this statement to the Assembly. The ABA is the largest voluntary association of lawyers and legal professionals in the world, and is an independent, national representative organization of the legal profession in the United States. The ABA and its entities are committed to advancing the rule of law both domestically and across the globe. Within the ABA, the [Atrocity Crimes Initiative](#), a joint effort of the ABA's Criminal Justice Section and Center for Human Rights, has the focused mission of advancing prevention of atrocities and ensuring that perpetrators are held accountable.

The ABA has long supported the International Criminal Court (ICC) and its role in advancing the rule of law through justice and accountability for atrocity crimes. The importance of the ICC and a robust system of international criminal law is as clear now as ever before. Despite ever-increasing demands, the Court continues to make progress in diverse situations globally. The Court's quick action to investigate atrocities in Ukraine was an important demonstration of its commitment, when supported with cooperation and necessary resources, to meeting global challenges.

In the past year, the ICC has advanced important legal norms, including through public consultation on a policy initiative to advance accountability for gender persecution under the Rome Statute. As the ABA's Criminal Justice Section noted in its [submission](#) on the issue, these initiatives "encourage a deeper understanding of the legal status of this crime, provide a strong example for national jurisdictions, and ultimately shrink the impunity gap."

The ABA also recognizes the efforts that stakeholders have made to strengthen the Court's policies and procedures through the ICC review process. Recognizing the scale of the task, we encourage States Parties and the Court to respond transparently and forthrightly to challenges that are identified throughout this process. Important work remains, for example, as the Court considers issues such as creating a robust vetting system for candidates for elected positions, improving work culture, and ensuring fairness and equity in complex systems of legal aid and victims' participation. The review process is critical to ensuring the long-term success of the ICC and will strengthen the Rome Statute system's ability to provide meaningful recourse to justice for decades to come. The Court and States Parties should utilize the expertise of civil society as a resource and support as the review process continues.

Within the past year, the Atrocity Crimes Initiative's projects have worked to support the ICC and to strengthen the field of international criminal law. For example, the International Criminal Law Practice Project has provided a platform for collaborative discussions among practitioners, working to produce publicly available resources of best practices and practical guidance that address challenges faced in international criminal law proceedings.

The ICC has had an enduring impact on the global system of international justice, including encouraging justice for atrocities sought through national law and courts. The ABA has long supported strengthening both international law and US law to respond to and prevent atrocity crimes. Last year, the ABA adopted a [resolution](#) encouraging the US Congress and federal agencies to examine legislative changes that would allow US federal courts to exercise criminal and civil jurisdiction over actions constituting genocide, crimes against humanity, and war crimes, consistent with international law. And through its Working Group on Crimes Against Humanity, the ABA has renewed advocacy efforts towards these goals in the United States. This past September I submitted a [statement](#) urging Congress to close critical gaps on war crimes, enact a crimes against humanity statute, and ensure statutes of limitations do not bar prosecutions for atrocity crimes.

In a year of profound global challenges, the International Criminal Court remains a key pillar of the global system of international justice. The ABA will continue to support the Court's efforts to provide access to justice for victims of atrocity crimes and advance the rule of law. We look forward to the Court further strengthening its engagement with civil society throughout the review process, with consultations on additional policies, and in its outreach to advocates and affected communities globally.

Thank you to the members of the Court, the Assembly of State Parties, and fellow civil society organizations for your work to advance the cause of international criminal justice.