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HOW THE HAGUE COURTS AND TRIBUNALS PROTECT HUMAN RIGHTS

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P R O C E E D I N G S

MR. PICCONE: Good morning everyone. Thanks for coming. I'm Ted Piccone. I'm a Senior Fellow and Deputy Director for Foreign Policy and on behalf of Brookings Institution Foreign Policy program and the Embassy of the Kingdom of Netherlands, I want to welcome you to this morning's discussion on what is turning out to be a particularly timely and relevant and interesting topic. It's always interesting but this topic has gotten quite a bit of news lately. So, I'm very happy that we were able to pull this together.

In terms of where we are right now, I mean, if you look at the newspaper in the past week, we're seeing a lot of interesting and important developments. In today's newspaper the story about the search for Joseph Kony, the Lord's Resistance Army, the ups and downs of that search. The maybe good news bad news take on the new rewards program that the US Government has announced. I'm sure we'll hear more from Ambassador Rapp about that. And at the same time a pause in the search for Joseph Kony and other warlords.

Of course, the case of Kenya is very important and at this time I think it's the latest demonstration of how tricky the politics of international justice are and how it affects domestic debates and contest for power. In a way, we've seen this movie before. In fact, it's ongoing in the case of President al-Bashir of Sudan. And so, it will be interesting to hear some reflections on that tension.

We also have an interesting development in the Ntaganda case, a rebel commander of the Democratic Republic of Congo who turned himself in and in part thanks to cooperation from the governments of the United States and Rwanda who are not members of the ICC. So, the whole question of State cooperation with the Court.

Whether or not you've ratified the instrument is also, I think, an interesting one.

So, we have a chance today to step back and look at some of the lessons learned from the experience of the Courts, Rwanda, Former Yugoslavia. And if you look, even just briefly, at some of the issues there are two or three that pop up very quickly. One, of course, is the selectivity prosecutions, how cases are chosen and why.

Another question is deterrence and whether this is an effective instrument to deter abuses. After all, the whole point of this instrument is to prevent crimes against humanity and war crimes. And has that been effective? It's hard to prove that. Hard to know if a warlord has stepped back from a crime because of a threat from the ICC but I think it's an important question.

We also have another question around national justice mechanisms and transitional justice and what kind of capacity exists in different parts of the world to prosecute these cases at the national level. I mean, in an ideal world you would have strong national judiciaries who would be able to handle these cases on their own. But of course, that's not the world we live in.

And then just to remember at the heart of this issue, of course, are the victims themselves. And victims deserve justice of some form and that's why the international community has invested the kind of resources into these mechanisms. And I think it's worth keeping that front and center in the conversation.

Let me briefly introduce our guests today and we're very fortunate to have them here. And then I'm going to turn the podium over to Dr. Williams. Our first speaker will be Mrs. Fatou Bensouda. She is the current prosecutor of the International Criminal Court in The Hague. She took up her duties less than a year ago but she is a veteran of both the judicial system in her native country of The Gambia where she served

as several different positions, Solicitor General, Attorney General, Administer of Justice, Chief Legal Advisor to the President.

She's also served at the regional level in different ways including Nicolas but most notably in the International Criminal Tribunal for Rwanda as Senior Legal Advisor and head of the Legal Advisory Unit. And then, of course, at the global level not just with her current appointment but since 2004 serving as the Deputy Prosecutor of the ICC.

Our second speaker will be Judge Theodore Meron. He's the current president of the International Criminal Tribunal for the former Yugoslavia. And recently became president of the UN Mechanism for International Criminal Tribunals which is a follow on process to both the Yugoslav and Rwanda Tribunals. This is his second tour in that position. He served as president of the ICTY in 2003, 2005.

He is well-known to really all of us in the international human rights community. He is, in many ways, one of the godfathers of international criminal law writing dozens of important articles from his perch as the Professor of International Law and holder of the Charles Denison Chair at New York University. And he was also, of course, importantly for this conversation a US delegate to the Rome Conference establishing the International Criminal Court.

Our third speaker will be Ambassador Stephen Rapp. He is currently the Ambassador-at-large heading the office of Global Criminal Justice at the US Department of State. He's been in that position since September 2009. His career is really remarkable. I hope you'll take time to look at all these bios. He served as Prosecutor of the Special Court for Sierra Leone. And broke new ground on cases involving child soldiers, sexual slavery, forced marriage.

He also served as senior trial attorney and Chief of Prosecutions for the International Criminal Tribunal for Rwanda also breaking important new ground in that horrific case. And then in the United States has had important roles both in politics in the State legislature in Iowa and as a US Attorney in the Northern District of Iowa in the 1990s.

Our moderator today will be Dr. Abiodun Williams. He's just become President of the Hague Institute for Global Justice. We're sorry that he's left Washington where he served many years at the US Institute of Peace, most recently as Senior Vice-President of the Center for Conflict Management.

Abi has tremendous experience in different places including at the UN as the Director of Strategic Planning for the Secretary General to both Kofi Annan and Ban Ki-moon. And he's also had ground experience serving in peacekeeping operations in Macedonia, Haiti and Bosnia. And he's written quite a bit on these topics as well.

So, we're extremely fortunate to have such incredible talent and experience with us today and I'm looking forward to the conversation. And I'm going to turn the microphone over to Dr. Williams. Thank you.

DR. WILLIAMS: Well, thank you very much Ted for that introduction. It's wonderful to be back in Washington and in my hometown. I would like to thank Brookings and the Embassy of the Kingdom of the Netherlands for cohosting this panel discussion on how the Hague Courts and Tribunals protect human rights. And I have great pleasuring in moderating this discussion this morning.

The Hague, my new home, has been a symbol of peace and justice for over a century since the first Hague Peace Conference was held there in 1899. And this year, the Peace Palace, the home of the judicial arm of the United Nations, the

International Court of Justice and the only main organ of the United Nations located outside of New York and outside of the United States is commemorating its centenary.

The International Courts and Tribunals in the city, I believe, are embodiments of the enduring ambition to end the most egregious violations of human rights. Yet it is obvious that for millions and millions of people in the world, human rights remain more of a dream than a reality. It is this sobering reality which underlines the importance and the urgency of the topic of today's panel discussion.

And it gives me great pleasure now to give the floor to the ICC Prosecutor, Mrs. Bensouda.

MRS. BENSOUDA: Thank you. Thank you, Abi. Good morning, Your Excellencies, Your Honors, ladies and gentlemen. Let me begin by thanking the Brookings Institution and the Netherlands Embassy for organizing today's event and for their kind invitation to me to be part of this important panel discussion. I thank you for being here today and I look forward to exchanging views with you on the important but often controversial subject of international criminal justice.

Today the International Criminal Court is at the center of international criminal justice. The main purpose of which is to ensure accountability for serious crimes that shock the conscience of humanity. And compared to its predecessors the ad hoc tribunals of former Yugoslavia and Rwanda, the ICC is still a young institution. And it is striving to find its rightful place in the complex world of international real politics.

President Meron will be discussing the ICTY but talking about the ICC we see that the ICC is charting a territory that has hitherto been uncharted by its sister ad hoc tribunals. It is forcing politicians, mediators, warlords to realize that business as usual can no longer be continued. Gone are the days when those who commit mass

murders, rapes and plunder could be cleansed of their atrocities through a mere handshake and a scribble of their initials on a piece of paper which purports to bind them to conditions that they have no intention of ever observing.

And this, of course, is not to say that the ICC has nothing to learn from the ad hoc tribunals. On the contrary, the events that led to the establishment of these tribunals did not only spur the momentum for the establishment of the International Criminal Court but the experiences of the ad hoc tribunals continue to be instructive for the ICC. I'm sharing the floor with veterans of the never-ending fight for justice, as I said, is thus a privilege for me.

President Meron is not only a Rome statute veteran but he has also extensive experience of international tribunals having served as a judge at the ICTY since 2003. Ambassador Rapp whom I bump into wherever International Criminal Justice issues are discussed is a real icon having served as Chief of Prosecutions of the ICTR and Chief Prosecutor of the Special Court for Sierra Leone.

I have had the privilege of working in the team of Ambassador Rapp when we were at the ICTR. But currently my office interaction with him in his capacity as the United States Ambassador-at-large for War Crimes and dealing with these issues, I'm truly grateful for that. And it almost an understatement to say that the world today is very different from what it was when the ad hoc tribunals were established.

The world's attention was focused on former Yugoslavia and Rwanda because of the fateful events that took place in those specific countries at that specific time. And this explains the limited territorial and temporal jurisdictions of the ad hoc tribunals. And why the ad hoc tribunals were a breath of fresh air for individual criminal responsibility since Nuremburg, at the time these tribunals were established nagging

questions were how many more ad hoc tribunals can the international community expect to create?

Given the time it takes to create the ad hocs and the cost involved, could the ad hocs be the international community's solution to similar events as and when they occurred anytime in any part of the world. And efforts to find answers to these questions led to the birth of the International Criminal Court, a permanent independent judicial institution that recognizes the cardinal principle of primacy of states over their nationals acting only as a buffer and a last resort measure where states are either unable or they are unwilling to carry out their responsibilities.

And it is worth recalling that the development of international criminal justice of which the International Criminal Court is only a part corresponds to a need. Over the years, the most serious crimes of concern to the international community, the crimes of genocide, war crimes, crimes against humanity were committed and they remained unpunished. National systems failed to adequately deal with such crimes and the ICC which is the only permanent International Criminal Court was intended to contribute to ending impunity and to deter what its preamble describes as the unimaginable atrocities that deeply shock the conscience of humanity and would threaten the peace, the security and the wellbeing of the world.

The punishment of individuals responsible for these crimes brings justice to victims. It deters the future commission of such crimes and it develops a culture of accountability. It is not until 2002 when the required number of ratifications, 60, was reached and the Rome statute system was put in motion. And despite the fanfare that accompanied the entry into force of the Rome statute in 2002, skeptics continued to doubt the viability of the experiment that the international community has embarked upon.

Predictions were that the ICC would remain a white elephant that would never show any returns for the huge investment that the international community had put and would continue to put.

To the contrary and I must say happily 10 years on, skeptics' predictions have been proved wrong forcing them to adopt new tactics and new forms of attack. One important factor that many critics forget is that when my predecessor took office in 2003 he had to build a new office from nothing. No staff, no policies, no guidelines, no investigative or prosecutorial infrastructure and very little experience from which to borrow from. Above all, even though very little was known about the office its mere existence aroused fears. And this contributed to the lack of support for its work even amongst the Court's constituencies.

Yet the office has not only, was not only expected but was also pressured to show results similar to what has happened to the ad hoc tribunals when they started their work. And thankfully the office refused to bow to the pressure and focused on creating a solid legal foundation based on its statutory framework as it prepared to embark on its mandate of independent, impartial and fair investigations and prosecutions ensuring justice to the victims of these crimes. And at the same time the office also embarked on building support for its work while also monitoring the international political landscape.

Fortunately, this is coming to pass. And I have inherited a well-functioning office with clear policies and strategies with over 300 dedicated staff from 70 nationalities. And my challenge now is to consolidate what has been achieved, to build on from it and to answer the victims' call for justice. This is the promise that we made in Rome and that is the promise we cannot fail to fulfill. Each one of us making small but

important contribution can make a difference.

The Kony 2012 campaign, for example, exemplifies how human ingenuity has no bounds if we are to attach importance to an issue. It is a serious indictment on the international community and on the credibility of the Rome statute system that 12 of the International Criminal Court indictees remain at large. And this only serves to embolden indictees and other would-be perpetrators that violators can only escape justice but can continue, not only escape justice but can continue to commit crimes comfortable in the knowledge that the international community has no strategies for bringing them to justice.

We cannot wait and hope that another indictee will walk into an embassy and request to be taken to the ICC. Alleged violators must be arrested and brought to justice and this requires development of appropriate strategies taking into account particular circumstances of the whereabouts of each indictee.

Ladies and gentlemen, let me conclude. And I want to stress that it is important for the Court to continue to build and deliver high quality trials. However, the true success of the Court, its preventive impact will depend on the support of other actors. In particular, States support is crucial for the work of the Court from investigations to enforcement of decisions and sentences. Civil society, political leaders, mediators, armies, donors and development aid workers all have a role to play.

If perpetrators and potential perpetrators of war crimes and crimes against humanity and genocide are to be deterred from committing more crimes, a strong and consistent message is required from all quarters. Whether from the Court, the United Nations, states parties to the Rome statute and others, that peace and justice can work together and that the era of impunity is over. I thank you.

DR. WILLIAMS: Thank you very much, Prosecutor Bensouda. I will now give the floor to Judge Ted Meron of the ICTY. Judge?

JUDGE MERON: Thank you so much, Abi. And I am so glad to see so many of my friends here this morning. My topic this morning will be how The Hague Court and tribunals protect human rights.

And let me start by saying that in establishing the ICTY nearly 20 years ago, the United Nations Security Council explicitly tasked the tribunal with trying those accused of serious violations of international humanitarian law. Not a word was said in the Security Council resolution about violations of human rights, yet as the description of today's panel indicates there is and rightly so a prevailing notion that the ICTY and other courts like it are mandated to try cases involving grave violations of human rights.

In my remarks to you today I would like to take a few minutes to discuss the traditional distinction between human rights and international humanitarian law before moving on to discuss how these two areas of law have increasingly come closer over time and how the ICTY has contributed in very meaningful ways to a greater understanding of and protection of human rights. Human rights law, as you know, concerns the protection of individuals against governmental authorities primarily in time of peace. And international humanitarian law, on the other hand, refers to the set of rules applicable in time of war or armed conflict.

More specifically, it governs the use of force by states as well as the protections states owe to civilians, POWs, combatants and property during armed conflict. International humanitarian law or the law of war as it was known before the middle of the last century, long predates the modern human rights movement. Of course, in keeping with the tradition with civilian precepts the classico of war primarily regulates

states' behavior towards one another. And it was historically based on the principle of reciprocity. The remedies available to the injured state were largely methods of self-help, reprisals during the war and after the war reparations for war damage.

However, the devastating horrors committed during the Second World War led to a seismic shift in the foundations of international law. The shift fundamentally altered how international law governs relations between states and how it governs relations of states with individuals and the role of the individual in international law.

Indeed, in the years that followed the Second World War we saw the birth of a new generation of human rights instruments. Instruments that reflect the belief that certain rights vest not in the state but in individuals. That states must not simply refrain from taking certain actions against individuals but also have affirmative duties to provide for individuals' basic needs. And that when a state does and that what a state does to those within in its jurisdiction is not just a concern of the state but of the entire international community of the whole world. Human rights law, in short, was born.

It is small wonder that this title change in international law, this human rights revolution gave rise to extraordinary changes in the law of war as well. These changes are most evident in the Geneva conventions adopted in 1949. The Geneva conventions marked a movement away from reactively protecting civilians as in the earlier instruments governing the law of war to proactively safeguarding their welfare. The Geneva conventions also help transform the law of war from a system based on state to state reciprocity to a framework of individual rights.

This paradigm shifts introduced by the human rights revolution led to a profound humanization of the law of war. If the human rights revolution and the humanization of the law of war reflect the truly first transformative moment in international

law during my lifetime. Then the creation of the ICTY 20 years ago and the establishment of other international criminal courts and tribunals including the world's first permanent international criminal court, the ICC, represent a second such title shift.

Of course, the ICTY was not the first international court to try those accused of committing crimes under international law. The international military tribunal at Nuremburg was an important predecessor in this respect. Not as the ICTY reflects the international communitiy's first efforts to ensure prosecution for the worst of crimes committed during the warfare. The Geneva conventions explicitly established a regime governing grave breaches of the Geneva conventions and requiring state parties to prosecute or to extradite for violations listed as such.

Yet, what truly sets the ICTY and modern international criminal courts and tribunals apart from Nuremburg and from early efforts aimed at ensuring accountability is the degree to which these modern courts while formally mandated to apply international humanitarian law have regularly applied human rights standards as well. This is certainly true at the ICTY where we are governed in all that we do by the fundamental criminal law precept and human rights precept of *nullum crimen sine lege*, the principle of legality.

And let me add that this second overarching principle is of course the presumption of innocence and I would like to say something about it in a moment. And the third overarching principle is our obligation to apply in all cases before us the entire panoply of principles of fairness and of due process.

Let me know depart from my text for a moment and perhaps say a few basic things about the function, about the judicial function in which I and my colleagues and the Prosecutor are engaged. Let me remind all of us that my fellow judges and I look

at each case on its merit and we are constrained by the evidence in the record, by the parties' arguments and the governing law in deciding how to rule.

We are not and cannot be influenced by any broader agenda nor political concerns. The ICTY's mandate is to determine whether a given individual is criminally responsible beyond reasonable doubt of charged crimes based on the evidence in the record. And I would like to remind everybody that acquittals, just as convictions, show the health of the system and that the courts are doing their job.

What concerns me sometimes is the assumption of some very good friends of mine is that anyone who's is charged of crimes before the ICTY or other international criminal courts, and we have had this example recently with regard to an acquittal before the ICC, must be guilty simply because he or she has been charged with a crime. And I would suggest that such an approach offends the basic principle of justice and the presumption of innocence.

Finally, let me suggest that acquittals do not mean, they never mean that crimes have not been committed or that a person is innocent in the broader sense. International criminal courts do not adjudicate innocence. We adjudicate guilt. We do not declare a person innocent. It's a legal method; therefore the ICTY's job is to determine whether a person on trial is individually responsible for a particular crime beyond a reasonable doubt.

Now, returning to my principal subject, it is of course not surprising that international criminal tribunals have in deciding the cases before them turned time and again to human rights case law. Indeed, the success of international criminal justice over the past two decades has been in great part due to their adherence to human rights standards. To be sure human rights principles designed for national context are not

always suitable of direct application in international criminal trials.

And the ICTY has, on occasion, adopted human rights principles or departed from them in light of its specific circumstances. Nevertheless, the degree to which the ICTY and other criminal courts and tribunals have shaped procedural rules and indeed their proceedings as a whole in light of human rights norms is significant.

As you know, human rights treaties have traditionally protected individuals from abuse by governments in time of peace. But unfortunately, some of these protections may be delegated on grounds of national emergency. And offer sometimes little protection against acts of non-governmental actors. At the same time, instruments governing international humanitarian law, like the Geneva conventions, have generally focused on international armed conflicts. What provisions exist to address internal armed conflict such as common article three of the Geneva conventions are far more limited than those applied to international armed conflicts.

There was, in short, a gap in conventional protections to be applied in internal armed conflict; a gap that runs contrarily to the humanist, to the protective norms underlying both humanitarian and human rights law. Now this changed in great part thanks to the jurisprudence of the ICTY. In the Seminole 1995 decision in the *Taja* case the tribunal made it plain that customary international law, rules governing internal conflicts or internal strife have emerged over time and that men of the rules and principles governing international armed conflicts apply to internal armed conflicts as well.

In the nearly two decades that follow it, the ICTY has been at the forefront of articulating and applying these protections. Under humanitarian law thus helping to redress not through treaty but through customary law, the void of protections that was left between treaty based humanitarian and treaty based human rights law. For

instance, the ICTY has had that rape may constitute torture as a crime against humanity. And this finding was based in part on jurisprudence from the inter-American Commission on Human Rights and the European Court of Human Rights.

The ICTY has also looked to human rights jurisprudence and instruments in addressing the question, what treatment constitutes enslavement as a crime against humanity. And the tribunal has referred to rulings and decisions by the European Court of Human Rights. For example, in the context of determining what acts constitute torture. Indeed, a simple search of our jurisprudence would reveal that the European convention and case law of the European Court of Human Rights was applied in nearly 100 decisions of the ICTY.

In addition, the ICTY has surveyed the right of sources of human rights to arrive at a definition for persecution as a crime against humanity concluding that it was possible to identify a set of fundamental rights, the gross infringement of which may amount to persecution as crime against humanity. For example, in the famous *Brdanin* case, the ICTY concluded on the facts of the case that violations of the right of employment, freedom of movement, proper judicial process and proper medical care all of which may be considered human rights violations constitute that persecution is a crime against humanity.

As I mentioned at the beginning, the ICTY was not mandated to try those accused of gross breaches of human rights. It will generally be for specialized regional courts and national judiciaries to assess governmental accountability for violations of human rights. While international criminal courts and tribunals will continue to pierce the veil of the state and pursue accountability for violations of international law on an individual level.

But it is undeniable that all of this work and the increasing harmonization between international humanitarian law and human rights law are leading to the creation of a world in which human dignity and human rights are respected without normative gaps. And a world in which accountability will be the rule and not the exception, thank you.

DR. WILLIAMS: Well, thank you very much Judge Meron for your remarks. I have great pleasure now in asking our third panelist to take the floor, Ambassador Stephen Rapp, who heads the Office of Global Criminal Justice at the Department of State. Ambassador?

AMBASSADOR RAPP: Well, thank you very much Abi and Ted for this event today and it's a great honor for me to be here with my good friends Fatou Bensouda and President Ted Meron, leaders in the field of international justice and to address this topic.

Just by way of looking at it and I think we've had some very good explanation in terms of the relationship between human rights and international humanitarian law and atrocity crimes. But certainly to the extent that we're talking about, the most serious violations of human rights and what these Hague tribunals or what other international courts can do to protect people from these human rights violations we have to ask ourselves how effective these institutions are in deterring these crimes and how effective they are in perhaps establishing norms that will filter down and effect conduct in the conflict zones of the world.

Those that look at the question of deterrence and, of course, it's a hard thing to measure, always note that to the extent that there is an effect, it depends upon the very real risk that an individual be arrested and tried. Obviously, we've had this

example at the Court that President Meron heads, the ICTY, where 161 individuals were charged by that Court and every single one of those arrest warrants was answered with the last arrest occurring in mid-2011, indeed some 16 years after the indictment after Mladić, he was brought to justice as the next to the last and then Goran Hadžić a couple of months later.

And that certainly sent us a profound signal that when you're charged with these crimes based upon the evidence that's been marshaled by a prosecutor and approved by judges, there's a very real risk that you'll be brought in. Fatou has, of course, emphasized the point that with the ICC there are a lot of arrest warrants that are unanswered. That barely more than a third of those arrest warrants have resulted in individuals being transferred to the Court.

How do we make that more effective? And of course, we recognize that the international ad hoc tribunals have powers under chapter seven given to them by the Security Council. It was mandatory on every one of the 190 plus countries in the world and, of course, the ICC's writ certainly runs to the countries that it ratified the statute. Now 122 are bound to obey its arrest warrants as a matter of treaty obligation but, you know, to a large extent and certainly when it comes to places where these individuals have found refuge and where they're protected by friends and forces, these may be simply words on a piece of paper.

I'm reluctant to quote Shakespeare here in front of an expert on Shakespeare but I always remember Hotspur in one of the histories saying, you know, I can call spirits from the vastly deep and the response is, aye, but when you call them will they come? And indeed, we saw in the case of the former Yugoslavia for a long period of time, people indicted and living in plain sight and not coming to the Court. And later,

perhaps, having the protection of their allies in those areas.

And it took something more than simply the statutory powers of the Court. It took countries that were ready through their foreign policy and through the levers that they had to really incentivize those transfers. I can recall the transfer of Slobodan Milošević in June of 2001. I was in The Hague that day with Prosecutor Del Ponte and that occurred because the United States and other countries were declining to go to the donor's conference in Belgrade that would have provided the funds to rebuild that country and region unless that arrest warrant was answered.

And later on, of course, we saw the way in which the European Union used conditionality, the requirement of full and complete cooperation with the ICTY before a country could even enter the ante room of accession to the European Union. And that was so profoundly important. And that was where we had in our laws a specific conditionality that required us each year to certify whether there was cooperation in the region before the United States could provide a lot of assistance.

The same thing is required of the ICC. Now, of course, with the ICTY and ICTR, we were paying the dues, 24 and a half percent of the fees of those Courts as we are required in the UN. In the ICC, we're not a member. But we support those Courts and we're stepping up in the case of the ICC to using other levers that we have. The kind of diplomatic and political levers that we have and other ways that we can assist that Court, bring their individuals to justice and as we've heard yesterday we were able, because of new legislation that was sponsored by Senator Kerry and Congressman Royce in Congress and passed on January 1st and was signed by the President, it was possible for us to expand our Rewards for Justice Program and to list specific ICC fugitives. We were prepared to list five including Bosco but obviously he was in custody

when we made the announcement so it's now four, Kony and his two lieutenants that have been charged by the ICC, Odhiambo and Ongwen and in the Democratic Republic of Congo, Sylvestre Mudacumura, the head of the FDLR.

And we announced that we would pay a reward of up to $5 million for information leading to their arrest, transfer or conviction. Not a dead or alive bounty, it's a payment for -- it will only happen if one of those three things happens to a living individual. And this is an expansion of a program that we've already used with good effect in the tribunal. Since I've been in my job three and a half years, I've recommended and then paid 14 rewards for people who helped provide the information that allowed for arrests to occur for the tribunals for the former Yugoslavia and Rwanda. It does incentivize people that within sometimes even the close cohort of these individuals. And it certainly increases the risks of those individuals to remain within their cohort. And it might drive them out of where they're hard to find into places where they're easier to find. It might even lead them to surrender.

So, I mean, this can be no doubt an effective program. But we're looking, obviously, for other ways because we put a lot of energy into bringing those people to justice in those other courts and creating the perception which is felt around the world that when you commit these crimes there's going to be consequences. And we obviously don't want to see a situation where an international court which is pursuing cases which we support and which we can support under our law isn't able to bring those people to justice.

I did want to go beyond, for a moment, the question of deterrence to the question of norms and on this I owe credit to President Song of the ICC. I was on a program with him a few months ago and he talked about deterrence and cited examples

in Kenya and DRC where he thought that there had been some deterrent effect. But he particularly emphasized the importance that institutions like these can have in establishing norms that filter deep down within communities and essentially make certain acts absolutely unacceptable. We've seen that with practices such as chattel slavery and other sorts of conduct that were in past times allowed but have since gone beyond the pale of human understanding and acceptance.

When he presented that to me, it put me in mind and of course I've not done the social science on this but it's just my own intuitive feeling from my experience in the 1990s in the United States as a United States attorney. Admittedly in an area of the country which didn't have a crime problem in Northern Iowa but closely associated with my colleagues around the country that were developing strategies for fighting violent crime in the United States. And of course, since the 1990s we've seen this enormous fall in violent crime particularly in major cities, not uniformly but in some places like New York. It's been down something like 80 percent.

I tend to credit the relationship between law enforcement and the citizens of the high crime areas. In the past, law enforcement was alienated from communities and viewed as enemies by members, minority groups and in the 1990s not perfectly, but law enforcement began to work much more cooperatively at the neighborhood level and implemented community policing. And it was an approach that recognized that it was the citizens of high crime areas, particularly minorities and poor individuals who suffered the most and encouraged an attitude of non-acceptance of criminal or destructive behavior even when committed by members of these groups.

And I think the potential is there if this kind of prosecution strategy is done right and in coordination with other things to have that same kind of effect in the

conflict zones. That does get us to this issue of selectivity. Obviously, prosecutors in well-ordered systems and with a monopoly, states with a monopoly on the use of force, can select cases and enforce their writs. But obviously, at the international level we have this issue of selectivity. There are only certain cases that you can prosecute, but indeed as a US attorney we only prosecuted maybe one out of every 50 violent crimes that would occur in a particular area and did that for a large extent for reason of impact.

And I think is what, if we're talking at the international level, we obviously have courts that have established, sometimes by mandate, the special court for Sierra Leone, we could only prosecute them, those with the greatest responsibility. Cambodia, the most responsible or the leaders, ICC has talked about, I think, in their statute, its most serious crimes of international concern. ICTY and ICTR had a broader mandate to prosecute those who had violated but over time developed a strategy under encouragement from the UN Security Council to go after those that were really the major offenders.

But when that is done, I think it then becomes incumbent on those that are in the prosecution to explain very clearly and carefully and repetitively, time and time again, on every hill and every valley and every village of the area of the affected communities, how that decision is being made, why that decision is being made. And I think the model, and I didn't start it, I was only the third prosecutor in Sierra Leona, was the outreach program we had with district outreach directors who were part of the neighborhoods that were local Sierra Leoneans who conducted programs all over the country on a regular basis. Thousands of them a year with us going out and answering questions from every person, old and young, some of them that I probably answered 50 times in terms of why we prosecuted this person and not this person.

And the result of that, recently a study by No Peace Without Justice found like 80-90 percent of the people in this country understood what we did and supported it and thought that it had been a force for stability and peace. I was intrigued that last week we had a visit from African Heads of State including President Koroma of Sierra Leone and I was in a meeting with the Foreign Minister. And one of the President's new aides who had been a journalist who had been a famous critic of the Court, she was constantly banging us every day and she then stood up in front of a whole group of my colleagues and said, you know, I want to thank you at the Special Court for Sierra Leone. You really sent the message. We now know that you don't take power by violence. We just went through an election, nobody was injured, nobody was hurt. You had an effect on that.

Now that wasn't specifically what we're designed to do but I think that, you know, indict 13 people you can have that kind of effect? Well maybe. If you get that kind of word out there. Of course, 13 people international prosecution of a relative handful at the ICC isn't sufficient and on every one of those hills those people said, what about Mr. Savage down -- there was indeed a Mr. Savage who was famous for throwing hundreds of people and decapitating them and throwing them in a savage pit. We didn't prosecute him. Well, why didn’t you prosecute that guy or why didn't you prosecute these others?

There we had an amnesty that prevented the national authorities from prosecuting. We could do it at the international level because it was held that that didn't apply to us. But they did, nonetheless, have a truth and reconciliation process that established the truth and which victims were able to come forth and provide their information and register their crimes, et cetera. And facts were found.

And so, I think that one cannot, of course, stop at the international level. A key part of this is what happens at the national level and of course, with processes like reconciliation and truth commissions but certainly also with prosecutions. And that's why one of the areas that we support the ICC the most strongly is in the whole area of complementarity. And complementarity really has two parts to it.

One part is the kind of complementarity that sort of incentivizes the will of countries to do these things themselves. Now, and that depends upon the credibility and the strength of the systems. Because, you know, as we saw this thing being established we had the perception that most countries don't want to see their people tried 5,000 miles away. They'd rather try them here. And if there's a credible tough system that could take them 5,000 miles away, then people say, let's do this process here. That might be called a sort of a negative complementarity in a way but you've got always this profound issue of will. And to the extent that we can help make the Court effective in bringing its people to justice we can help strengthen that part.

That's only part of it because quite often you profoundly lack the capacity in these places. They didn't have the capacity before the conflict. Indeed, one of the reasons they had the conflict was probably because the justice system wasn't working. And then, you've had a lot of the lawyers and judges killed or run off and everything else. So, it's even more difficult after the conflict. And that requires, I think, this focus, the tension on strengthening the ability of these countries to take on atrocity crimes.

And even though we, in all our aid programs in the United States, are very dedicated to rule of law and the rest, the focus of these programs on being able to deal with a very tough area of atrocity crimes, of protecting witnesses who are threatened by leaders of armed militias or by political leaders or by police officers, et cetera, dealing

with that issue and being able to investigate and draw the lines between the crimes and the people responsible is not the same as prosecuting some ordinary crimes as important as that is. So, it's, I think, one of the most important things we can do if we're talking about changing norms, if we're talking about having public support for this business of accountability is serious assistance to provide this capacity to do these cases.

With those kinds of steps, I think we can indeed protect people from the most serious of violations of human rights. Thank you very much.

DR. WILLIAMS: Well, thank you Stephen and I would like to thank our three panelists, the ICC Prosecutor, Judge Meron and Ambassador Rapp for their riveting comments. Of course with a panel of prosecutors and a judge it is appropriate that their comments have been judicious.

Let me, of course, take the liberty as the moderator to start off with the first question. And I'd ask all three of the panelists to respond in turn. The United States has been a strong supporter of the ICTY but has stood apart from the ICC although as Steve Rapp was saying this seems to be changing. How important has US involvement at the ICTY been and has the ICC suffered from US absence?

MRS. BENSOUDA: I think I'll just refer back to what both yourself and Steve has said about the change that we have witnessed in US support for the ICC. Of course, initially we had what you call stood apart from the ICC but I think since the last part of the Bush Administration we have seen this change. It has been very gradual but I think it has also been very real. And the last, just yesterday as Steve has just announced, there is the Reward for Justice Program. It is something that the ICC can benefit greatly from.

And I say this because a Court can only be efficient when you have

those people you want, those people who have outstanding arrest warrants not executed, you have them before the Court for the Court to be able to try these people and bring justice for the crimes that they have committed. And this program that has been announced has already been extended to ICC fugitives like Joseph Kony, Dominic Ongwen, Okot Odhiambo and Sylvestre Mudacumura.

So, these are people that have been wanted by the ICC with respect to Joseph Kony, I think since 2006. So, this is a -- or 2004. This is a long time that we don't have them and I strongly believe that this program is going to assist in bringing them before the ICC. But even prior to that as we said, the change has been gradual but substantive and real. Even prior to that we have seen the US giving public and diplomatic support to the ICC. We have seen their presence, a significant presence at the review conference of the ICC in 2010 as well as in the last Assembly of State's parties, a strong delegation led by Ambassador Rapp was -- attended the Assembly of State's parties of the ICC.

So, apart from that the ICC has been working, as you can see, we have been working and I do believe that the progress that we have made in 10 years as a young institution is also significant even though the US is not a party to the ICC. But what is important now, I think, is the support, the support that we are receiving. We need the support not just from state parties but from non-state parties who can assist the Court to be more effective.

DR. WILLIAMS: Thank you. Judge Meron?

JUDGE MERON: I very much with what my friend, the Prosecutor, has just said. Let me start from the ICC and then move on to the ICTY. As regards the ICC, it's only correct historically to remember that despite the very, very bad beginnings

between the United States and the ICC, the United States delegation did greatly contribute at the Rome to writing some of the most progressive texts on international humanitarian law.

I remember that I was very much part of the team that drafted in Rome the provisions on crimes against humanity. And so far we have no statute in any international criminal tribunal which compares with the breadth, with the progressive and the reach of the provisions on crimes against humanity. And broadly speaking, I would like to say that there's nothing that delights me so much as the growing support, the radically different attitude of my country, the United States, to the ICC with regard to fugitives and other issues and all that have been done the really, the enlightened leadership of Ambassador Rapp to whom we are extremely grateful. Your success as ICC is success of the new universe of international criminal justice. And therefore we are all partners to it and we wish you so well.

As regards to the United States and the ICTY, of course on very many levels we would not have been created nor would we have functioned with any degree of success without American support. The support in the UN Security Council by Secretary Albright has been quite critical to the decision, unprecedented after 50 years of impunity since Nuremburg of the Security Council to decide to establish an international criminal tribunal as part of the UN system, under UN budget with judges elected by the General Assembly and so on.

We needed the United State and we maintain their support, sometimes at the level which we were not enthused with as in the beginning with regard to arrests but things have changed dramatically. And the United States became one of the leaders together with the European Union in pressing states of the former Yugoslavia to deliver

up to the Court principal fugitives, the principal indictees. The United States was quite critical in that respect in giving us political support.

But I think in this forum where I see some prominent representatives of the governments of the Netherlands, it would be only correct to mention that even a small but very important member of the EU, the Netherlands could play and did play a critical role. We would never, ever have reached the result of 100 percent law enforcement, 161 indictees, 161 persons accounted for where it not for the Netherlands. Because the fact is that even the EU was suffering for some kind of a tribunal fatigue. And it was thanks to Netherlands that insisted that Serbia will not be able to have access to the European Union. That eventually Mladić found a way to arrive at The Hague.

So, the Netherlands was the last man standing in the European Union in insisting the sentence and so we are enormously grateful to the Netherlands.

DR. WILLIAMS: Ambassador Rapp?

AMBASSADOR RAPP: Well, I echo everything that my colleagues said and as Ted was talking about Rome, I think it's important to note that we've recognized that the statute that was established there, Article Six on Genocide, Seven on Crimes Against Humanity and War Crimes, really does represent a unanimous consensus view in the world as far as the definition of these crimes. And Judge Meron was active there as part of our delegation. Bill Lietzau who had a career in the Marine Judge Advocate General Corps was very active as well. He's now the Deputy Assistant Secretary of Defense, et cetera and then was also active in writing the elements of the crimes that were adopted by the ICC. So, we did participate in that.

In terms of our own cooperation with the ICC, we do have laws and in 2001 Congress passed a law saying we couldn't fund the ICC. In 2002 they passed a

much more comprehensive American Service-Members Protection Act, ASPA. Since it's been modified in 2007 to eliminate the demand, the condition that we negotiate non-surrender agreements with countries but it largely remains on the book and it restricts some of what we can do with the ICCs and specific things that we can't respond to.

But it did contain an amendment adopted by consensus that was offered by former Senator Dodd that basically said that nothing in the Act prevented the United States from providing assistance in the case of an individual accused of genocide, war crimes and crimes against humanity. And that clearly allows us on a case by case basis, in other words it has to be cases in which individuals have been accused of these crimes. We can provide assistance to the Court and obviously a key way to do that has been in the area of fugitives when there are specific persons that are named.

We have an inter-agency process where we do look at each of the situations that the ICC has been involved in. And to date we've made the decision on a case by case basis that every one of the situations in which arrest warrants have been issued merit the support of the United States. Obviously, that can't be funding but it can be other things. And we've received requests from the Prosecutor and requests from the Registrar to assist obviously and famously we assisted during the week of March 18th, the 23rd with the transfer of Bosco Ntaganda to the Hague and there are other areas where we can work as well.

Just in regard to the broader issue, people then say well, if you're going to wade in why don't you jump in et cetera and I think this is often a question I get out in the rest of the world. And places people don't know the nature of our constitution and our political tradition that makes it very, very difficult to ratify international treaties and conventions. Wilson going to Paris and convincing the rest of the world that a League of

Nations is a great idea and then coming back and having it rejected in the Senate, it taking 40 years to get the genocide convention ratified.

Even recently the convention on disabilities which we will hope will still get ratified but was on the floor and was supported by American Business and Industry wouldn't have restricted anything that we're not doing already but yet couldn't get but 62 votes even with former Senator Dole, a disabled veteran on the floor urging his colleagues. Harold Koh who is a great colleague who was with me co-chairing our delegation at each of these ICC events jokes about the challenge he had becoming confirmed where he had to overcome the 60 vote filibuster barrier which he was able to with the support of Senator Lugar and a couple of others. And in the end he got 62 votes and he liked to say, well, if he'd been a treaty he'd been rejected because he wouldn't have had 67.

So, we do see the challenges and of course this reflects in the United States a view that we have our own system, our traditions, our constitution, our ways or responding and dealing with these problems. We're proud of our system of justice and military justice et cetera and it's always a hard sell to convince Americans that they should go into a multilateral institution. And it takes a long period of study and reflection and we're not to that point at all with the ICC.

In terms of what we're able to do with the other Courts, you know, obviously I've talked about the conditionality that we ourselves exercise. I share Judge Meron's admiration of the Dutch and the way they hung tough and we hung tough right behind them and told them that we supported them in terms of the conditionality that they were placing on EU accession for the countries in the region.

We've also been able -- there are provisions in the ICC statute or the ICC

rules, rule 70 that provide sharing of information and protection, et cetera. Ways that we could help and of course we had Americans there. And very proud of the veterans, I wasn't at the ICTY but if you go to these trials you'll see a great many Americans (inaudible) people like Mark Harmon who since has left and is now a judge in Cambodia. But a lot of Americans, I think, that were able to contribute experience to it.

A little more difficult at the ICC where naturally there's a preference for people who are from dues paying countries. But that said, we'll be continuing to look for ways that we can assist and strengthen justice in the cases that we're supporting at the ICC which I said based upon our interest and values is all of them on which they're seeking people. Thank you.

MRS. BENSOUDA: Maybe just to say a little about the contributions of Americans at the ICC. It is also happening. I have Sara Cristicelli, who has been my prosecutions coordinator for the past three years and before that was appeals counsel. And we also have Alex Whiting who's currently the prosecutions coordinator at the office.

So, Americans also I think are contributing greatly to the work of the ICC in practical terms.

DR. WILLIAMS: Okay. All right. Well, let me open it up to questions from our audience. I think we have roving microphones there. I think you should identify yourself before posing the question. I think you had a question, Ted.

MR. PICCONE: Thank you very much. I want to go back to the issue you raised about selectively of prosecutions and the current challenge particularly faced in the Kenya case. And whether you've thought through when you have a situation where you're faced with a top candidate for the highest office in the country, that becomes almost in the too hard to do box. And it becomes so politicized that it's very

hard to separate the politics from the judicial process.

And related to that, in terms of the credibility of the selectivity, we're seeing a new surge of commissions of inquiry authorized by the Human Rights Council, many of which are coming up with recommendations for further prosecution by the ICC. North Korea's the latest example but also Cote d'Ivoire. Are you finding that that could be an effective way to bring in a broader international community buy-in to the selection of prosecutions?

DR. WILLIAMS: And I saw a number of hands going up. So, I think what would be helpful, I'll take the questions in groups of threes okay? Let's take a second.

SPEAKER: Hi my name is (inaudible). I'm correspondent of Serbian news agency here in Washington, DC. I have a question for Judge Meron. I've seen in the news that next week in UN General Assembly, will be holding a debate on The Hague Tribunal and the international criminal courts. And I've seen you decided not to be there. So, my question is why? Thank you.

DR. WILLIAMS: Okay. And a third on the back.

MR. DICK: Edison Dick, United Nations Association. I just want to ask what the future of the definition of terrorism under the ICC statute and whether anything is going to come to pass on that.

DR. WILLIAMS: Okay. All right. Well, why don't I ask the ICC Prosecutor to start on the issue of selectivity of prosecutions and then perhaps the issue of terrorism which has just been raised?

MRS. BENSOUDA: Thank you for that question. I think one of the issues that not only the ICC but the international community have had to deal with over

the years has been the issue of peace and justice. Peace versus justice and I do believe that it is quite settled now to say that you cannot have one exclusive of the other. You have to have both and that they complement each other and can actually work going forward.

With respect to the Kenya cases, I have said I think all the time that the judicial, the process that is ongoing at the ICC is a judicial process. And what we have done up to now is to follow our judicial calendar. But unfortunately we are operating in this politicized situation. In fact, some people even believe that the ICC indictments have helped two candidates for winning the elections. But it should also be known that what unfolds in Kenya regarding the political process is not going to stop the ICC process from going on, from moving forward.

What ICC has done, like any other tribunal would do is charged based on individual criminal responsibility. The ICC was not charging based on ethnic lines. It wasn't charged based on political aspirations or political parties. We charged these crimes and brought them before the ICC judges because we submitted evidence to show that these persons bear egregious responsibility for these crimes. And it was on that basis that the judges of the ICC issued summons to appear for these individuals to arrive.

But talking about that and talking about peace and justice, we know that there are always many ways, many efforts by the international community to bring peace, security and stability to any area in conflict. And this includes negotiating for peace, not only prosecutions but also truth and reconciliation initiatives are taken to address these situations. But I do not think that that should be a way of excluding accountability for these serious crimes. I think we have gone beyond that now in saying that people, who are responsible for these heinous crimes should be granted amnesty, should not be held

accountable because of one reason or another.

And I think now it has gone beyond saying that you cannot achieve peace without achieving justice. So, I think what the international community should be focusing on is how do we make these two areas, you know, which are very important for achieving stability and security, how do we make them work? Not how do we exclude. So, I do welcome the initiatives of recommending that apart from truth and reconciliation initiatives there must also be prosecution and accountability for the crimes that are committed.

DR. WILLIAMS: Thank you. Judge Meron, would you care to explain your absence from New York?

JUDGE MERON: As you know, not only the ICTY but the three international courts and tribunals that have been invited have all declined the invitation of Mr. Rearimitch. And Mr. Rearimitch as we all know, and it appears in his public statement convened this meeting in reaction to certain judgments.

This poses questions in terms of fundamental rules of respect for the rule of law. It is not a meeting in which my participation would make any significant contribution to the norms which I hold dear.

DR. WILLIAMS: Would you like to?

AMBASSADOR RAPP: Yes. Let me jump in on some of these questions. First of all on Kenya and understand that the United States from the time of the post-election violence and during it strongly supported accountability and the horror of having 1200 men, women and children killed and 400,000 or more people displaced in Kenya and certainly from a personal point of view having lived next door for six years and visited Kenya dozens of times was such a horror that this required a clear message that

those responsible should be held to account.

We supported a national approach as Judge Waki had recommended in his commission and a special tribunal on the legislation was never able to get traction in the political process. When Secretary Clinton went there in August of 2009 and was asked about it, she said, well, if you're not going to do it at the national level then the international level will have to take a hand. And indeed Kenyan leaders invited the ICC prosecutor there. People encouraged the case to go to The Hague. Don't be vague take it to The Hague. I can remember that.

And the prosecutor said exactly what he would do which was to look at both sides. And this violence had been on an ethnic fault line with almost an equal number of victims on each side and that he looks for the most responsible on each side and that's what was done.

Of course, at the same time that that's been done nothing has happened yet really effective, I think one small conviction recently at the national level, but no real effective effort there because that's needed no matter what even if you have an international court. You should have that as well. Now, Kenya tried to essentially say because it could do these cases it shouldn't go forward at the ICC. They took their complementarily challenge or admissibility challenge to the court and that was denied because nothing was happening.

I think it's important to note that the effect of the prosecution, I mean obviously there are a lot of factors that are out there but in the past in Kenya the violence in 2008 was worse than before, but we remember in the 1990s there were elections that were also accompanied by violence and by the tendency of some groups to use this technique if you're to suppress complaints about an election or the fairness of it. One

goes out and attacks innocent men, women and children who are associated with that group in order to discourage those kinds of efforts.

That particular kind of method has now just not happening. And even while these cases are difficult ones and some of them, of course, weren't confirmed and one of them is recently withdrawn, I think no one in Kenya wants to be on the ICC arrest list, I'll tell you that. And I think the fact that these indictments have been out there has had an effect in terms of the peacefulness of the last election.

Of course going forward our message from the United States is that Kenya as a country, as a state party, needs to fulfill its obligations, its international obligations including those to the ICC, responding to requests for information, for transport of witnesses, et cetera. And the individuals that are charged need to fully cooperate without regard to their level indeed under the ICC statute, head of states do not have immunity and that was explicitly waived by the ratification of this treaty by the ratification of the statute of Rome by that country.

In regard to commissions of inquiry, certainly we have seen tremendous work being done by commissions of inquiry. Those established by the Human Rights Council for Syria, for Cote d'Ivoire, others that have been established in more consensual processes but have been staffed by internationals for Guinea and for Kyrgyzstan. And these are extremely important for establishing the facts and sort of laying the foundation for justice processes later.

And carrying forward with this, we're also supporting efforts such as in Syria to collect information beyond that collected by the commissions of inquiry. We have a Syrian justice and accountability center working with Syrians who have taken tens of thousands of videos but have hundreds of thousands of documents showing

responsibilities for various people for these crimes. And those are being collected and analyzed and laying the foundation for the day when justice is possible in Syria or in a mixed court or wherever. We want to see that happening.

Finally, on this terrorism question and people hadn't responded to it. At the tribunals and at the special court for Sierra Leone we did have the ability to charge acts of terror as a crime. We convicted people of it at the special court for Sierra Leone and Charles Taylor because it is a crime defined under additional protocol two or listed under additional protocol two as a violation in non-international armed conflict. And I know that Judge Meron and the appeals chamber in the Galić case find that there was a similar crime within international armed conflict in affirming the Galić conviction and sentencing him to life for the attacks on civilians in Sarajevo.

So, that is in the laws of these other courts. Of course, it was not part of the statute, that part of war crimes was not taken out but at the ICC and others within the assembly can talk about the amendments process. Some have proposed expanding it. It doesn't look at the moment like there's a lot of appetite to move forward with amendments in this area. Of course we do have a court in the Hariri tribunal that's dealing with terrorist cases.

We do have capacity at the national level to pursue those cases and there are, of course, cases of terror that can qualify as crimes against humanity if they're sufficiently widespread or systematic and the other contextual elements are there. But that is one area where the ICC doesn't have the same capacity as the other courts because of the statute.

JUDGE MERON: I would like to add a word to what Ambassador Rapp has just said. In fact, one of the most important developments in international courts has

been the renewal the renewed focus on customary humanitarian law. The statutes of the various tribunals give us very, very lean definition of crimes. And in order to avoid the criticism that has been voiced against Nuremburg after Nuremburg Trials arguing that the ex post facto prohibition has not been always respected.

We in the tribunal did something which I think is fundamental for the protection of due process in international criminal adjudication. And that is that we have, from the very beginning, superimposed on the statute an additional requirement. One should not only be prosecuted for a crime stated in a statute proclaimed by the UN Security Council under chapter seven, we the judges have decided that we must make sure that every crime which has been charged has also adequate underpinnings in customary international law.

And thus, by making sure that those principles of customary law are applied, are respected, we make sure that the principle of legality is always respected. And the prohibition on retroactive penal measures is also respected. And that's one of the great developments. One of the differences between us and the ICC which will be have to play out in the rightness of time is to see to what extent the ICC statute which much more resembles a civil law court code will have an opportunity to continue with this tradition of fleshing out and elaborating basic norms of humanitarian customary law. Which are so important, not only for the tribunals, but for NGOs and for national governments in trying to create a universe in which the basic norms will always be respected.

DR. WILLIAMS: Well, I am conscious of the passage of time unfortunately. As I look at my clock, I see that we barely have two minutes left. So, and I know there are many more questions. So, I really apologize for not having time to take

more questions. But I think it is a measure of the quality of the panelists that we could have been here for another hour in terms of the question and answer session.

It remains for me now just to thank our panelists, the ICC Prosecutor Bensouda, Judge Meron and Ambassador Rapp for being with us this morning and for their stimulating remarks and of course, our cohost Brookings and the Embassy of the Kingdom of the Netherlands. So, join me in thanking our panelists and our cohosts.

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