

**OPENING OF A PHOTOGRAPHIC EXHIBITION OF THE
INTERNATIONAL CRIMINAL COURT (THE HAGUE,
NETHERLANDS) AT THE SUPREME COURT OF CYPRUS**

20 November, 2019.

**WELCOMING ADDRESS BY THE HONOURABLE PRESIDENT
OF THE SUPREME COURT OF CYPRUS,
Mr. MYRON MICHAEL NICOLATOS.**

Excellencies,

Distinguished Guests,

Ladies and Gentlemen,

It is an honour for me to welcome you all to the Supreme Court of Cyprus for the opening of this important photographic exhibition of the International Criminal Court.

The photos were taken by the Award-winning photographer Marcus Bleasdale capturing images in conflict-stricken regions of Africa and Eastern Europe where the ICC investigates.

These kind of exhibitions aim at raising awareness of the role of ICC and the crimes under its jurisdiction.

The ICC was established as a Court of Justice of last resort. Its mandate is to try those who commit 'unimaginable atrocities that shock the conscience of humanity'.

The ICC's founding treaty was adopted by the UN General Assembly at a conference, in Rome, in July 1998. After being ratified by more than sixty countries, the Rome Statute entered into force on July 1, 2002. The Preamble of the Rome Statute was clear as to the purposes and the need for the setting up of this International Criminal Court.

Crimes that fall under its jurisdiction cover genocide, or the intent to destroy in whole or in part a national, ethnic, racial, or religious group; war crimes, or grave breaches of the laws of war, which include the Geneva Conventions' prohibitions on torture and attacks on civilian targets, such as hospitals or schools; crimes against humanity, or violations committed as part of large-scale attacks against civilian populations, including murder, rape,

imprisonment, slavery, and torture; and crimes of aggression, or the use or threat of use of force by a state against the territorial integrity, sovereignty, or political independence of another state, or violations of the UN Charter.

The ICC has been hailed by human rights' activists and supported by the vast majority of countries.

There are 122 countries, parties to the Rome Statute. Cyprus, being the victim of aggression, ethnic cleansing and mass violation of human rights of its citizens, responded readily to the call for participating to the setting up of the new Court and became the 55th contracting party to the Rome Convention. Cyprus has been a committed supporter of the Court and has contributed one of the best-known judges of the ICC, Judge Georghios M. Pikis. Today, it is a great honour for us to have with us the most distinguished and eminent living Cypriot Judge Mr Georgios M. Pikis who, in 2003, was elected as one of the 18 judges of the International criminal Court to serve in the Appeals section. Mr Pikis has also written books and studies on the ICC.

Some forty countries never signed the treaty, including China, Ethiopia, India, Indonesia, Iraq, North Korea, Saudi Arabia, and Turkey. Several dozen others, signed the statute, but their legislatures never ratified it. These include Egypt, Iran, Israel, Russia, Sudan, Syria, and the United States.

Two countries have withdrawn from the ICC. Burundi left in 2017, following the court's decision to investigate the government's crackdown on opposition. The Philippines pulled out in 2019, after the court launched an inquiry into its government's war on drugs, saying that domestic courts were sufficient to enforce the rule of law, in that country.

Under the Rome Statute, the ICC is legally entitled to intervene when the State with the closest sovereign connection, to the locus of the crime, or the alleged suspect, is either unable, or unwilling to exercise jurisdiction. The most common situation in which the court will act is when the rule of law, in a particular country, has broken down and a domestic prosecution is not feasible; or when a totalitarian regime is refusing to punish its own abuses.

The Statute of the ICC lays down that every individual, worldwide, is subject to the jurisdiction of the Court and is liable for the commission of grave crimes that have scarred the face of humanity. Since 17 July 2018, the ICC may prosecute individual state' leaders for their state's use of armed force against other states or, in other words, their role in the commission of the crime of aggression. What armed force means and what the crime of aggression includes, however, remain hotly contested.

In accordance with fundamental principles of the rule of law, the ICC and its Judges are expected to act independently. Upon referrals by States-Parties or by the UNSC, or on its own initiative and with the judges' authorisation, the Office of the Prosecutor (OTP) conducts investigations, by gathering and examining evidence, questioning persons under investigation and questioning victims and witnesses, for the purpose of finding evidence of a suspect's innocence or guilt. The OTP must investigate incriminating and exonerating circumstances equally. It therefore requests cooperation and assistance from States and international organisations, and also sends investigators to areas where the alleged crimes were committed, in order to gather evidence.

The Court's significance is particularly evident in the context of elections in Africa, where violence had historically been much too frequently used as a means of gaining political power. Since the creation of the Court, there has been a noticeable reduction in the incidence of electoral violence.

Moreover, the fact that the International Criminal Court (ICC) has issued arrest warrants against Sudan's president and other senior officials, gives hope not only to the victims of war crimes in Sudan, but also to the hundreds of thousands across the globe who have lost their loved ones in war zones.

Unfortunately, more than 70 Member States are still not party to the Rome Statute, with the result that victims of atrocities committed in territories of non-party states are "left to languish outside the zone of justice." It is not surprising that the ICC has been attacked by authoritarian states that are involved in grave violations of international humanitarian law and that have ensured that their own justice systems will not prosecute these cases.

In order to heal the wounds of those who have suffered genocide, war crimes, or crimes against humanity, it is imperative to hold fair trials and do justice in individual cases. Governments and organisations can help, by providing funding and support. The international community must work together through capacity-building, technical assistance and other forms of cooperation, including judicial cooperation. This will enable domestic jurisdictions to discharge their primary function, of doing justice to victims of the most serious crimes.

The role of photography and other forms of art, in realising the horror of international crimes, is also significant. The power dynamics, inherent in the process of photography, the importance of visual representations to memory and the reparation of grave human rights' violations, play a significant role. These forms of art, may influence society's ability to comprehend the basic norms of the rule of law and educate the viewers about the blessings of international criminal justice.

I would like to end my address, by quoting the last paragraph of the Lecture of Mr Pikis on the ICC, dated 15.6.2016:

“Without justice there can be no peace and without peace, human existence is left at the mercy of the ill passions of the strong, for power, domination, riches and sequential inhuman acts”.