

United Nations Secretary General Report

“In Larger Freedom: Towards Development, Security and Human Rights for All”

March 21, 2005

ICC REFERENCES

138. Justice is a vital component of the rule of law. Enormous progress has been made with the establishment of the International Criminal Court, the continuing work of the two ad hoc tribunals for the former Yugoslavia and Rwanda, and the creation of a mixed tribunal in Sierra Leone and hopefully soon in Cambodia as well. Other important initiatives include commissions of experts and inquiry, such as those set up for Darfur, Timor-Leste and Côte d'Ivoire. Yet impunity continues to overshadow advances made in international humanitarian law, with tragic consequences in the form of flagrant and widespread human rights abuses continuing to this day. To increase avenues of redress for the victims of atrocities and deter further horrors, I encourage Member States to cooperate fully with the **International Criminal Court** and other international or mixed war crimes tribunals, and to surrender accused persons to them upon request.

In an annex to the report, the S-G has drafted a set of recommendations for actions to be taken by the heads of state at the September summit. This includes the following recommendations:

(b) Embrace the “responsibility to protect” as a basis for collective action against genocide, ethnic cleansing and crimes against humanity, and agree to act on this responsibility, recognizing that this responsibility lies first and foremost with each individual State, whose duty it is to protect its population, but that if national authorities are unwilling or unable to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect civilian populations, and that if such methods appear insufficient the Security Council may out of necessity decide to take action under the Charter, including enforcement action, if so required;

(c) Support the 2005 treaty event, focusing on 31 multilateral treaties, and encourage any Government that has not done so to agree to ratify and implement all treaties relating to the protection of civilians;