

# **Vatican Delegation to the Diplomatic Conference on the ICC**

## **Intervention of Archbishop Martino, Head of the Vatican Delegation to the Diplomatic Conference on the ICC, Rome June 16, 1998:**

Mr. Chairman,

The Delegation of the Holy See wishes to begin by expressing its sincere thanks and appreciation to the Italian Government for its generosity and hospitality in hosting this Diplomatic Conference, I am pleased to convey to this Assembly the greetings of His Holiness Pope John Paul II. My Delegation is very optimistic that the arrangements and provisions made for our work at this Center of the Food and Agricultural Organization will greatly assist the very delicate and difficult work which faces us over the next several weeks.

The Holy See has very actively participated in the Preparatory Committee meetings which have preceded and led up to this Conference as a sign of its deep interest in matters which touch upon the questions of justice, reconciliation and the good of the human person. As Pope John Paul has stated, "Within the international community the Holy See supports every effort to establish effective juridical structures for safeguarding the dignity and fundamental rights of individuals and communities. Such structures however can never be sufficient in themselves; they are only mechanisms which need to be inspired by a firm and persevering moral commitment to the good of the human family as a whole. For communities no less than for individuals, commitment to solidarity, reconciliation and peace demands a genuine conversion of heart and an openness to the transcendent truth which is the ultimate guarantee of human freedom and dignity". (11 January 1997)

With this basis, I would like to highlight several important considerations regarding the establishment of such a court.

Any International Criminal Court should exist in order to ensure protection of the dignity of the human person. This dignity is shared by every human person, regardless of his age, race, ethnic origin, status as combatant or non-combatant, sex or stage in human life, from the unborn to the elderly. Because each person shares in this human dignity, each person, without exception, is entitled to the protection of the law which such a Court would oversee. The Statutes and the

Crimes which shall be under the jurisdiction of the Court must reflect this equal dignity shared by all.

As a consequence, an important principle that must underlie the justice to be dispensed and assured by an International Criminal Court is that of *suum cuique*, to each person his due. Again to cite Pope John Paul II, Among the primary aims of law must be to ensure that each person receives his due, at every level of social life. The recognition that the human person is by nature the subject of certain rights which no individual, group or State may violate represents a significant juridical achievement and must be considered an essential principle of international law. N (*Address to the World ~ Association of the World Peace Through Law Center*, 9 May 1992) Those who have been harmed are due the protection of the law. Those who are responsible for violations of the most heinous crimes which offend the conscience of the human family, the crimes which will fall under the jurisdiction of this Court must be made to accept their responsibility in accordance with universal norms. It is indeed the right of society to manifest, by means of law and juridical structures, those objective and eternal values which protect and order the human family and human dignity.

As an instrument of justice, such a Court must be conceived as a means of seeking not revenge but the restoration of that right relationship within the human family which will lead to reconciliation. Accordingly, the verdicts, and most especially the sentences which the Court will impose, must always keep in mind this higher goal of reconciliation. For that reason, the Holy See is convinced that the death penalty has no place in this statute. The destruction of life - be it as punishment. or as panacea is inconsistent with the universal norms that serve to justify an International Criminal Court.

Finally, Mr. Chairman, the Holy See wishes to stress the need to formulate statutes for this Court which will ensure its independence from political concerns and pressures particularly those which reflect the particular rather than the universal, the exclusive rather than the inclusive. It is an inherent element of justice that everyone stands equal before the law. Any structures or rules which could lead to decisions about guilt or innocence that are based upon political rather than juridical considerations have a questionable role in the proposed statute.

I wish to express to this Conference the confidence of the Holy Sec that the work we undertake here will be fruitful and harmonious, The Creation of an International Criminal Court is a very Important initiative which will touch upon the rights and lives of nations and communities as well as those of individuals. May Almighty God bless our efforts so that future generations might look upon this Court as a substantial contribution to respect for law and for the rights of all men and women everywhere in tile world - regardless of who speaks for them and who does not - for each is a child of God created in his own likeness.

Thank you, Mr. Chairman.