**ΟΜΙΛΙΑ κ. ΓΕΩΡΓΙΟΥ Μ. ΠΙΚΗ,**

**ΠΡΩΗΝ ΠΡΟΕΔΡΟΥ ΤΟΥ ΑΝΩΤΑΤΟΥ ΔΙΚΑΣΤΗΡΙΟΥ ΚΑΙ ΠΡΩΗΝ ΔΙΚΑΣΤΗ ΤΟΥ ΕΦΕΤΕΙΟΥ ΤΟΥ ΔΙΕΘΝΟΥΣ ΠΟΙΝΙΚΟΥ ΔΙΚΑΣΤΗΡΙΟΥ ΣΤΗΝ ΕΠΕΤΕΙΑΚΗ ΕΚΔΗΛΩΣΗ ΓΙΑ ΤΑ ΕΙΚΟΣΑΧΡΟΝΑ ΑΠΟ ΤΗΝ ΙΔΡΥΣΗ ΤΟΥ ΔΙΕΘΝΟΥΣ ΠΟΙΝΙΚΟΥ ΔΙΚΑΣΤΗΡΙΟΥ**

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**THE INTERNATIONAL CRIMINAL COURT**

1 .The International Criminal Court, known by the acronym ICC, is a milestone in the history of mankind. For the first time, a criminal court was established with global jurisdiction over heinous crimes that demeaned humanity. The Statute of the ICC lays down that every individual, worldwide, is subject to the jurisdiction of the Court, liable for the commission of grave crimes that have scarred the face of anthropology. These are the crimes of universal concern that have transgressed the essence of humanity leading to misery and destruction.

1. Law should reflect the dictates of justice. The judiciary personifies justice in its application. The criteria laid down for the election of Judges aim to ensure that they are up to the mission of ministering justice. Independence and impartially of Judges is postulated as an inseverable element of judicial service.
2. The crimes subject to the jurisdiction of the Court are:
3. genocide
4. crimes against humanity
5. war crimes and
6. aggression

The jurisdiction of the Court is limited to Crimes committed by persons over 18 years old. The Statute envisages an agreement between the ICC and the United Nations, signifying cooperation between them.

1. No definition is provided for the crime of aggression in the Statute, while its justiciability is subject to a decision of the Assembly of States Parties. At the Review Conference held in Kampala in 2010, a comprehensive definition of the crime was provided. Unlike the other three crimes, which apply to every individual, liability for the crime of aggression is confined:
2. to persons in control of political and military action and
3. acts intended to dominate or overlord another state.

The assumption of jurisdiction is subject to specific procedural rules:

Notwithstanding the definition of the crime of aggression, jurisdiction to heed the crime is put off a) to 2017 and b) to a sequential decision of the General Assembly of States Parties taken by a two thirds majority, activating the jurisdiction of the court in relation to the crime.

1. One may justifiably discern a disinclination on behalf of States to accede to the commands of justice in relation to matters that subject state power to law. Criminal responsibility in relation to genocide, crimes against humanity and war crimes is personal. The position, rank or authority of the perpetrator is immaterial. Liability is individual.
2. The background to the establishment of the International Criminal Court has been long and complex.
3. From early days, social intercourse and trade were not confined to citizens of the polity but extended to neighbouring cities, and, as the means of communication improved, so did contact expand on a wider plane. But as interests and pursuits of emerging states varied, conflicts often erupted between them, not infrequently resulting in warfare as a means of resolving them. The need for the establishment of rules to govern their relationship in the various spheres and walks of life, including warfare, was strongly felt. Here, we may trace the roots of the development of law transcending state boundaries. The code of rules expanded over the years, in order to regulate intercity and interstate relations over an ever-expanding range of subjects identified, in time, as the Law of Nations.
4. The commitment to humanitarian ethics in antiquity is evidenced by the case of Arginusae in Ancient Athens. Humanitarian obligations do not abate in time of war as the sequel to the sea battle at Arginuase (an island near which it was waged) demonstrated. The Athenian navy won a great battle at sea against Sparta, with which it was at war, near the island of Arginusae. The victorious Athenian admirals at the sea battle were put on trial before an Athenian court for failing to come to the aid of those shipwrecked and for failure to recover the bodies of dead sailors lying at sea. The accused were found guilty, condemned to death and executed.
5. With the rise of empire, city states and generally small states were enveloped in a broader mantle, that of vast organisations, limiting the opportunity of conflict between segments of the empire, on the one hand, while having to address conflicts between groups of people living within its boundaries, on the other. Unjust and oppressive laws, serving as a rule the interests of those in power, were a cause of distress for sections of society seeking relief through the introduction of fairer laws to alleviate human fate. Aristotle propounded equity, the pananthropic principle of justice, as the means of remedying injustice defining (εικότης) as reason stripped of human passion. Equity provides room for the rectification of legal norms by reference to the inherent laws of justice. Theodor W. Adorno in his work on Negative Dialectics attributes to Aristotle «imperishable glory» (p. 311 of his book) for this contribution to justice, the evolution of the doctrine of equity- emanating from the Latin word *aequilas,* deriving from the Greek word *εικότης.* To go to a Judge, Aristotle remarks, is to go to justice for the ideal judge is sought to speak justice personified. The function of the ruler, as stated elsewhere, is to be the guardian of the law. The Stoics advocated life according to nature as definitive of the rules that should govern human action in society, evolved in Roman times as the *natural law.*
6. The emergence of national states, given formal recognition by the Treaty of Westphalia (1648) changed the scene in Europe. The term “national”, in this context, signifies homogeneity of identity and often creed, separating and distinguishing nationals from those belonging to other nations frequently referred to as “aliens”. The proposition may be ventured that national states erected new barriers between human estates. On the other hand, it energized the subjects of empires who shared common identity to seek their liberation from their masters by the establishment of their own states.
7. The identification of the principles and rules governing the conduct of na­tions with one another, especially when in adversity, and their spirited ex­pression by the outstanding Dutch jurist Hugo Grotius in 1625, in his work “On the laws of War and Peace”, provided an impetus for the recognition, classification and refinement of the rules of international law. These rules had little impact on nations when their interests collided and less still, did they stem the tendency of powerful nations to dominate weaker ones.

The first to suggest the establishment of an international criminal court was Gus­tav Monnier, President of the Red Cross.

1. A consoling factor in the opposite direction was the agitation that gained force especially in the 18th century, for the recognition of the Rights of Man, independently of nationality, race or creed. Colonisation, on the other hand, by European nations, of countries beyond their boundaries and continent, created a new state of affairs that exploded in the 20th century, bringing mis­ery and great loss of life in its wake.
2. World War I witnessed the collapse of world order. International law was ignored and violated on an unprecedented scale. Within the domain of the Ottoman Empire, civilians were displaced at will on a massive scale, alleg­edly to facilitate war action. The worst atrocity, unprecedented in the annals of modern history, was the planned and ruthlessly executed elimination of a whole ethnic group, the Armenians, living within the Ottomon Empire; a process subsequently dubbed by Raffael Lemkin, a distinguished jurist, as “genocide”, a Greek word “γενοκτονία» deriving from *genus* (γένος) and *ktino* (κτείνω, kill). At the same time, as the Turkish historian Taner Acham says in his book «Α Shameful Act», referring to the Armenian geno­cide, 540,000 Greek conscripts found their death in hard labour camps. A subsequent genocide was that of the Greeks of the Pontic region (coastline of the Black Sea, see Thea Halo’s book «Not Even My Name».) The recent recognition by Germany of the Armenian Genocide by Turkey, its ally at the time, is a step forward and the negative reaction of Turkey a step backward. Be it noted, a few years ago Switzerland criminalised denial of the Arme­nian genocide.
3. The triple alliance, UK -France -Russia, were unable to stop the sinister plan of the elimination of the Armenians to do something to halt its execu­tion. They did, however, issue a declaration in 1915 describing what was happening as a crime against humanity and civilization, committing them­selves not to let those responsible for the commission of the heinous crimes go unpunished, a promise never fulfilled. On the contrary, by the Treaty of Lausanne, the culprits were in reality amnestied one more indication that, not infrequently, ephemeral interest prevails over justice.
4. Following the murder of King Alexander of Yugoslavia 1934, France pro­posed the establishment of an international criminal court in addition to the adoption of a convention to combat terrorism. A draft specimen was prepared by the distinguished Romanian jurist Vespasian Pella which was submitted to the Committee of the League of Nations for Combating Ter­rorism. In 1936 the Committee submitted to the League of Nations a draft code providing for the creation of an international criminal court. The draft convention with minor amendments was adopted by the 1937 Intergovern­mental Conference of Geneva. Thirteen states subscribed to it. The events leading to World War II frustrated its enforcement.
5. World War II erupted on the Is' September 1939 with the invasion of Po­land by Nazi Germany after a prior secret agreement with the Soviet Union to partition the invaded country by force. Feeling his eastern flank secure, Hitler turned to wage war against practically every other state of Europe, not allied to Germany and European colonies in North Africa. He overran nearly the whole of continental Europe before turning eastwards to invade the Soviet Union. The Nazi regime brought human catastrophe and caused immense material loss in the occupied areas such that the continent had not witnessed before. Especially abhorrent was the treatment of people of Jew­ish origin, residing in Germany and occupied countries. Initially, they were deprived of their citizenship, then of their right to work in several spheres of life and sequentially their liberty, before Hitler and his Nazi entourage de­cided upon what they labelled the “final solution”, i.e. the physical extermi­nation of every person of Jewish origin within their reach. The plan was car­ried out ruthlessly, resulting in the elimination of about six million people of Jewish origin coming to be known as the “holocaust” (deriving from the Greek word *ολόκαυστον* meaning the burning of the whole). Inhabitants of the occupied areas, other than Jews, were also liquidated on a large scale and subjected to unimaginable acts of depravity; many were forced to flee their homes creating room for German territorial expansion, whereas oth­ers were enslaved in labour camps that became notorious for the cruelty of those running them. Human existence was debased and the dignity of man was torn to pieces.
6. The German allies in the Far East, the Japanese, committed untold of bru­talities against the people in the areas they occupied before their defeat, causing immense human loss, suffering and destruction.
7. World War II provided firsthand experience of the infinite capacity of man for evil when law breaks down, when the word of rulers becomes a substi­tute for law.
8. By the London Agreement of August 1945, the Nuremberg tribunal was established, manned by judges of the four victorious allies, USA, USSR, United Kingdom and France. A year later, a tribunal with corresponding jurisdiction was set up to try the Japanese for crimes committed during the Second World War. The court was composed of judges emanating from the countries that were at war with Japan.
9. The two tribunals responded to their mandate. The Nuremberg tribunal in particular did a lot in the way of recognition of genocide, crimes against humanity, war crimes and the crime of aggression as part of customary in­ternational law. Both tribunals came under the charge that they were victors’ courts, an accusation that cannot be denied, in that, the victorious allies also committed grave crimes during the war.
10. The establishment of the two international criminal tribunals and especially the confinement of their jurisdiction to crimes committed by the vanquished came under criticism, branded as instruments of “victors’justice”. The criti­cism is not without merit. The allies too committed crimes during the war punishable under the charters of the tribunals' amongst which one may cata­logue the Soviet invasion of Poland, displacement of populations during the war and the murder of Polish officers who took sanctuary in the Soviet Union, at the forest of Katm, the bombing of Dresden by the British when the city was defenseless, leaving behind thousands of dead and injured ci­vilians; and more lethal, still, the dropping by the USA of two atom bombs on Hiroshima and Nagasaki. On the other hand, one cannot deny that the Nuremberg and Tokyo Tribunals, be it within their limited jurisdictional mandate, carried out their functions fairly with due commitment to their mandate.

Referring to the Nuremberg tribunal in particular, the crimes within its material jurisdiction were viewed in their proper perspective in light of their nature and implications on humanity. International humanitarian law was reinforced. The Nuremberg Tribunal is credited with recognising genocide as a crime against humanity and acknowledging aggression in the form of violation of the territorial integrity of another state as a crime under customary international law.

1. The Universal Declaration of the Rights of Man of 1948, is another landmark in the history of humanity defining rights by reference to human and not national or any other identity. The Convention on the Prevention and Punishment of the Crime of Genocide, of the same year, envisages the possibility of the establishment of an international penal tribunal. In the same year, the General Assembly requested the International Law Commission, a body of experts, to prepare a draft statute for the establishment of an International Criminal Court. In 1952 another committee assumed the task of making proposals for the establishment of an international criminal court.
2. The Cold War froze efforts in that direction. A movement for the establishment of an international criminal court, gained momentum in 1989 generated by concern of the spreading of narcotic drugs. In 1994, the Law Commission submitted to the General Assembly a draft code for the establishment of an International Criminal Court. A preparatory committee was set up in 1995 charged with the task of preparation of a consolidated text laying the ground for the next step towards consideration of a code by a diplomatic conference of plenipotentiaries.
3. A hundred and forty eight states took part at the Conference. The conference

started on 15th June and ended on 17"‘July 1998 with the adoption of the Rome Statute.

One hundred and twenty states voted for the adoption of the Statute, seven states sided against, and twenty-one abstained. In the end, a hundred and thirty nine states signed the Statute including the USA, albeit a signature that was subse­quently withdrawn by Mr. Bush who succeeded Mr. Clinton to the office of Presi­dent of the United States.

1. The Statute came into force after its ratification by sixty states, something accomplished by the 1st July 2002. By the time of the election of judges, the number increased to 85. Since then, the number of States Parties has risen to 124.
2. The operational framework of the ICC was completed by the adoption of (a) the Rules of Procedure and Evidence, envisaged by article 51 of the Statute and (b) the Elements of Crime, envisaged by article 9 of the Statute, meant as an aid to die interpretation and application of articles 6,7 and 8 defining the crimes justiciable under the Statute. The adoption of these two instru­ments was effected by the Assembly of State Parties in 2002. The Regula­tions of the Court envisioned by article 52 of the Statute, regulatory of the routine functioning of the Court, were adopted by the Judges of the Court on 26th May 2004 and came into force six months later in the absence of any objections from a “majority of States Parties”.
3. The Statute incorporates the basic principles of criminal law: a) *neb is in idem -* no one will be tried twice for the same offence unless the first trial was (i) a sham to shield the accused of responsibility and (ii) the trial was not conducted independently and impartially, b) *nullum crime sine lege* - the offensive conduct constituted a crime at the time of its commission, c) *nulla poena sine lege.* A convicted person may be punished only in accordance z with the Statute (Article 23).
4. It cannot be overlooked that many strong and powerful nations, some of them nuclear powers, have not ratified the treaty. Amongst them are the United States of America, the Russian Federation, China, India and Paki­stan. Neighbours of Cyprus have also refrained from ratifying the treaty. Amongst them, one can count Turkey, Egypt, Syria, the Lebanon and Israel.
5. History informs that the strong and powerful are disinclined to subject their authority to the edicts of the law. This continues to be the case if one looks at what is going on in the world, even today.

**Composition of the Court**

1. **The Judicial Branch**
2. The Court is composed of 18 Judges with amenity provided to increase their number whenever need arises. The judicial branch of the Court is divided into three

 tiers:

1. The **Pre-Trial Division,** responsible, amongst other preliminary matters, for the authorisation of investigations, the issuance of warrants of arrest and the confirmation of charges. It functions in benches of three. There are two branches of the division.
2. The **Trial Division,** composed of three judges, is responsible to hear cases submitted for trial after the confirmation of charges. There are two branches of the division.
3. The **Appeals Division,** composed of the President of the Court and four judges.
4. The assignment of Judges to Chambers is the responsibility of the Plenum of Judges.

Personally, I was assigned to serve at the Appeals Chamber and had the privilege to serve as its first President.

1. Final judgments and a specified number of interlocutory decisions of the Pre- Trial and Trial Chamber are subject to appeal before the Appeals’ Chamber.
2. A Code of Judicial Ethics was adopted pursuant to the provisions of Regula­tion 126 adopted on 9 March 2005. The Code is fashioned in the spirit of the provisions of articles 40, 41 of the Statute and Rule 33. What is new is the specification of the diligence required in the discharge of judicial functions, entailing a duty, on the part of Judges, to maintain and enhance knowledge, skills and personal qualities. The very assumption of judicial office carries a duty to cultivate judicial attributes and capacity in every way, coextensive with the duty of a judge to ready himself/herself for the judicial mission. A judge is expected to behave impeccably, in and out of Court, providing a living example of a just person.
3. **The Prosecutorial Branch**
4. The Prosecutor and his/her Office is entrusted with investigatory and pros­ecutorial tasks and functions. The Prosecutor may heed a situation upon reference by a state party or the Security Council.

Moreover, the Prosecutor may initiate investigations on his own accord, *proprio motu,* either upon complaint or information reaching the Office that crimes within the jurisdiction of the Court have been committed. After the completion of a preliminary enquiry, the Prosecutor determines whether to seek authorisation from the Pre- Trial Chamber to start investigations. At the end of this process, the prosecutor decides whether to prefer charges against one or more persons. If he/she so determines, the charges are submitted to the Pre-Trial Chamber for confirmation.

1. It must be noted that the investigations of the Prosecutor are dependent on the cooperation of States Parties, or states generally in the case of reference of a situation by the Security Council of the United Nations, which, under the Statute, are bound to proffer assistance.
2. The judicial and prosecutorial authorities are wholly separate and independent from one another. As one would expect, there is no intermingling at any stage of the exercise of their respective mandates.
3. **The Presidency**
4. The Presidency, composed of the President, the First and Second Vice- Presidents of the Court, is elected by the plenum of Judges for a period of three years. It is invested with a multitude of duties of a quasi-judicial and administrative nature. The purely administrative branch of the Court is the Registry functioning, as laid down in the statute, under the authority of the President (article 43 (2) of the Statute).
5. The Registry has a number of departments designed to facilitate the judicial process and render advice as well as guide in certain cases parties interested in litigation such as victims and witnesses.
6. As with all new institutions, it takes time to gain roots. It is commendable that all preliminary work was soon done in order to establish the operational framework of the Court. It must be noted that important institutions, such as the Permanent Court of Justice and the League of Nations for that mat­ter, eclipsed from the world scene owing to the militarisation of conflicts between nations, supplanting law thereby. It is comforting that they were re-established by the International Court of Justice and the United Nations.
7. So far, a number of situations have been referred to the Court by Member States, including self-referrals concerning situations in the Congo, in Ke­nya, Uganda and other countries; also, situations were referred to the Court by the Security Council.
8. Amongst other things, the arrest of the President of Sudan has been ordered,

and thereafter the arrest of Gaddafi and members of his entourage; warrants that remained unexecuted. This brings to the fore shortfalls of the Statute and lack of vigour on the part of the Security Council to provide the neces­sary means for the execution of warrants issued by the ICC. For a situation, usually complicated and extensive, to reach finality it takes, in the nature of things, considerable time.

1. Cyprus was badly hit, perhaps worse than any other country in modern times, by crimes against humanity and war crimes. There has been ethnic cleansing of unprecedented dimensions, bearing in mind the relevant pro­portions, accompanied by the habitation of the cleansed area by Turkish settlers. Cyprus is deeply committed to the causes of the ICC. The Statute and sequential instruments were soon, after their adoption, ratified by the House of Representatives. The acceptance of Turkey as a candidate for join­ing the European Union, notwithstanding refusal to comply with resolutions of the General Assembly and the Security Council of the UN to withdraw its forces from Cyprus and refusal to recognise the international status of Cyprus, a member of the EU, cannot but be described as a step backwards. The European Union is in a unique position, including its charter on human rights, to proclaim international law as the supreme authority that should guide its actions.
2. The hope is that law will be the guide in human affairs and not economic strength and weaponry. In this context, one is moved by the memorable words of Lord Atkin in his dissenting opinion in Liversidge v Anderson [1942] AC 206 « *Amidst the clash of arms, the law is not silent. It speaks the same language in war and peace."* The case concerned the legality of *Defence Regulation 18B of* the UK, enacted during World War II, entitling the Home Secretary to order the detention or house arrest of residents of England of German origin without judicial sanction.
3. The Statute has no retrospective effect encapsulating only crimes committed

after 1st July 2002. It is arguable that crimes committed before 01.07.2002, the adverse consequences of which not only continue, as in the case of Cy­prus, but are augmented with the passage of time fall within the jurisdiction of the court. Else the ICC would be unable to heed continuous crimes.

1. The case law of the ICC has so far elucidated many aspects of the Statute. To begin, the jurisdiction of the Court is not confined to the most serious crimes amenable to its jurisdiction, but to every crime having the ingredi­ents postulated by Articles 6,7 and 8. The element of gravity inherent in the commission of such offences is the measure for their classification as crimes subject to the jurisdiction of the Court. Certainly, jurisdiction is not confined to the senior leadership of the culprits but to everyone participating in the commission of a crime. The exception signified by Article 17 (l)(d) refers to crimes that are insignificant in themselves, wholly peripheral to conduct criminalised by the Statute. (Decision of the Appeals Chamber on the *Situa­tion in the Democratic Republic of the Congo,* 13 July 2006).
2. It must be emphasised that a salient principle of the Statute is the rule of complementarity, that is, jurisdiction by the ICC is assumed if the state hav­ing jurisdiction over the crime is either unable or unwilling to exercise ju­risdiction. Jurisdiction is exercised by a state on the territory of which the offensive conduct occurred or in the case of a crime committed on board a vessel or aircraft, the state of registration of the vessel or the aircraft.
3. In the decision of the Appeals Chamber in *Katanga-Chui* (25 September 2009),

the court addressed the question as to when a state is either unwill­ing or unable to deal with a case whereupon the ICC assumes jurisdiction. Unwillingness or inability of a state to conduct the necessary investigations and bring those appearing responsible to justice is in no way qualified by the sovereign right of a state to relinquish jurisdiction. Failure to investigate and/or prosecute for any reason in light of evidential material warranting either or both signifies per se unwillingness evidenced by the delay, to bring those responsible to justice, stigmatising the state responsible with failure to fulfil its obligations under the Statute.

1. The requisites for the admissibility of a case are examined in detail in two decisions of the Pre-Trial Chamber *(Prosecutor* v *Harun* and *Ai Kushayb,* 27 April 2007).
2. The difference between an international armed conflict and an armed con­flict not of an international character are surveyed in the decision of Pre- Trial Chamber I Prosecutor v. Lubanga Dyilo, 29 January 2007.
3. The law applicable under the Statute is examined at length in the decisions of the Appeals Chamber on the *Situation in the Democratic Republic of the Congo* (31 March 2006)[[1]](#footnote-1) and *Prosecutor* v *Lubanga Dyilo* (14 December 2006).

• Article 21 (2) provides “the Court may apply principles and rules of law as interpreted in its previous decisions”. The subject-matter of this paragraph is not applicable law but its interpretation. In a separate opinion of one of the judges of the Appeals Chamber in *Prosecutor* v *Joseph Kony, Vincent Otti, Okoi Odhiambo, Dominic Ongwen* (4 February 2008), the value of judicial precedent is identified as follows: *Judicial decisions identify the law applicable, determine its meaning and delineate the range of its application as may be gathered from the object and purpose of the law revelatory of the spirit of a legislative enactment.*

* One of the bedrocks of the interpretation of the Statute is set out in Article 21(3), notably, that the law applicable must be interpreted consistently with internationally recognised human rights. As stated in the judgment of the Appeals Chamber of 14 December 2006, *Human rights underpin the Statute; every aspect of it, including the exercise of the jurisdiction of the Court. Its provisions must be interpreted and more importantly applied in accordance with internationally recognised human rights, first and foremost, in the context of the Statute.[[2]](#footnote-2)*

In the same case it was underlined that if the fundamental rights of the person under investigation are violated in the process “it *would be a contradiction in terms to put the person on trial. Justice could not be done”.*

Article 64(2) binds the Trial Chamber to ensure that the trial is both “fair and expeditious”. As underlined in the above case, a fair trial is a fundamental right of man to be assured by the judiciary at all times and in all circumstances. Article 29 rules out prescription of any crime within the jurisdiction of the Court.

* Article 54(l)(c) binds the Prosecutor to “fully respect the rights of persons under the Statute”. If breaches of fundamental rights of the accused in the process of investigation make it impossible for the person to make his/her defense, a fair trial is impossible as underlined by the Appeals Chamber in its judgment of 14 December of 2006 (mentioned above).

The obligations of the Prosecutor are not confined to persons under investigation and the accused but extend to everyone upon whom rights are conferred by the statute.

* Victims are entitled to participate in the criminal process for the purpose of

voicing their views and concerns. Only a person who qualifies as a victim under Rule 85 prejudicially affected by the crime under trial can seek to participate. Who qualifies as a victim and the nature of the right to partici­pate were examined at length in the decision of the Appeals Chamber of 11 July 2008 *(Prosecutor ν Lubanga Dyilo).*

• What amounts to “views and concerns” was the subject of analysis of a judgment of the Appeals Chamber of 13 June 2007 *(Prosecutor* v *Lubanga Dyilo).* They are in no way equated to parties to the proceedings.

The hope is that in due course, every member of the United Nations will ratify the Statute placing thereby the world under the umbrella of the law, the instru­ment of justice, paving the way for lasting peace. In this connection it is worth referring to the Ancient Greek Pantheon: The ancient Greeks in their thearchy portrayed both justice and peace as deities, casting the latter as the daughter of the former. 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.

1. Judgment on the Prosecutor’s Application for Extraordinary Review of Pre-Trial Chamber I’s. [↑](#footnote-ref-1)
2. Judgment on the Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Chal­lenge to the Jurisdiction of the Court pursuant to article 19(2) (a) of the Statute of 3 October 2006,

14 December 2006. rights are conferred by the Statute, such as victims, witnesses and persons who impart information on condition of confidentiality. [↑](#footnote-ref-2)