



Finland to the UN Security Council in 2013–2014

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Statement by

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Madam President,

Please let me start by congratulating you, Madame President, on your election as the new President of the Assembly of States Parties. We give you our full support, and wish you every success in this task. We would also like to express our sincere thanks to your predecessor, Ambassador Wenaweser for his extraordinary contribution to our work and commend his excellent skill and professionalism in handling the many challenges during his term.

Madam President,

This year has been remarkable in the history of the International Criminal Court. In February, the Security Council, for the first time, unanimously referred the case of Libya to the Court. In October the Pre-Trial Chamber granted the Prosecutor's request to commence an investigation *proprio motu* in Côte d'Ivoire, and in November a first former head of State was transferred to the custody of the ICC. The number of country situations has grown to seven, the number of judicial proceedings is increasing rapidly. We warmly welcome the many new states that have joined the Rome Statute, as well as the fact that we are now at 120, a greatly symbolic figure. These developments manifest that the international support and determination for ending impunity is increasing and that the ICC has a central role to play in that endeavor.

As the workload of the ICC is increasing, also for reasons beyond the control of the Court, necessary resources have to be ensured for the Court to fulfill the mandate given to it. The budget of the Court in 2012 is of primary importance. Although we must recognize today's dire financial situation, we must not lose sight of the long-term goals of fighting impunity, and ensuring justice to the victims of the most serious crimes.

In addition to sufficient resources, the effective and efficient functioning of the Court is of utmost importance. The Court must take seriously the legitimate expectations of its stakeholders in this regard, and take a proactive role in reviewing its processes, including lessons learned, without delay. We also point out the need to reflect, in the coming year, the role of victims in the ICC process, and whether the current process fully meets the expectations of efficiency and effective participation.

One element of effective functioning is cooperation of states with the Court in accordance with their legal obligations. The number of outstanding arrest warrants continues to be a cause for concern. In the Darfur situation we call on all states, and the Sudanese authorities in particular, to cooperate fully with the Court and to comply with the Security Council resolution 1593. Cooperation is also crucial in areas such as witness protection, enforcement of sentences, or tracing and freezing of assets. We welcome proposals to include more time in the ASP work plan in its future sessions to discuss and share experiences on these matters.

Madam President,

The Court is and it should be an instance of last resort. The primary responsibility to investigate and prosecute for the Rome Statute crimes lies with states themselves. As we know, it is not always possible to investigate and prosecute for such crimes at the national level. In these situations the ICC has an important role in filling the gap at the international level. It is consistent with the Statute that the international community recognizes the role of national proceedings. To this end, states should also consider providing assistance to strengthen the rule of law structures at the national level.

There are also a number of ways in which the international community can assist in investigating and prosecuting most serious international crimes at the national level. I would like to mention two examples. First is the Justice Rapid Response mechanism, which is a multilateral stand-by facility to deploy rapidly criminal justice and related professionals, trained for international investigations and at the service of States and international institutions. Finland supports Justice Rapid Response and welcomes the increasing use of this mechanism.

Second example is the Legal Tools Project of the ICC. The project has created a free public platform, the Legal Tools Database, containing over 50.000 documents on international criminal law and providing equal access to legal sources and information for practitioners both at national and international levels.

Madam President,

In the near future, the ICC will give its first ever judgment in the Lubanga case. This will mark a significant milestone in the functioning of the Court. Depending on the outcome, the Rome Statute's provisions on reparations could be implemented for the first time. Finland has underlined the need for more clarity with regard to the principles to be applied, as well as the need for early court-wide preparation in order to ensure a smooth process. Clear and relevant communication will play a crucial role, including in managing expectations.

Apart from the issue of reparations, relevant and focused outreach is an essential component of the Court's activities. The ICC is an international court which needs to ensure that its processes are understood by the most affected communities, or else they risk becoming irrelevant. In addition, without effective outreach and access to information the victims will not be able to practice their right to participate. This was demonstrated by the recent decision by the Pre-Trial Chamber III authorising the investigations in the situation of Cote d'Ivoire, where it specifically requested the Registry to carry out further outreach to potentially under-represented groups of victims, such as victims from other ethnic groups, children, women, and those who had suffered sexual violence, in addition to the affected communities as a whole.

I would like to conclude by highlighting the positive development that this year has seen a significant increase in voluntary donations to the Trust Fund for Victims. This is even more important given the current economic climate. We hope that this is a continuing trend. We acknowledge the central role the Trust Fund for Victims has in efforts to bring justice to the victims, and I wish to reiterate Finland's gratitude to the Board and Secretariat of the Trust Fund for their hard work and dedication.

I thank you.