

STATEMENT BY H.E. MARY WHELAN

**AMBASSADOR OF IRELAND TO THE KINGDOM OF THE
NETHERLANDS**

**AT THE ELEVENTH SESSION OF THE ASSEMBLY OF
STATES PARTIES TO**

**THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL
COURT**

15 November 2012



Madam President

Ireland associates itself with the statement made by Cyprus on behalf of the European Union and its Member States.

I wish to express our gratitude to you, Madame President, to the Bureau and to the Secretariat of the Assembly of States Parties for the work you have undertaken on our behalf. I want also to note the outstanding work of the various facilitators and members of the Hague and New York Working Groups who contribute so much to our collective efforts to promote and sustain the unique institution that is the International Criminal Court.

On this, the tenth anniversary of the entry into force of the Rome Statute, Ireland reiterates our strong commitment to the Court. On 7 June 2001, the Irish people voted in a referendum in favour of the ratification of the Rome Statute. By this act and by the full implementation of the provisions of the Statute into domestic law, Ireland has demonstrated its consistent and strong support for the Court.

Looking back over the past ten years, there is much of which we can be proud. By its very existence, the Court promotes and upholds not only the rule of law but also provides a means to end the culture of impunity and to contribute in a most fundamental way to the cause of international peace and justice.

As the profile and potential of the Court has become more widely recognised its membership has expanded. The number of States Parties has increased. In this context, Ireland welcomes the recent accession of Guatemala as the 121st State Party to ratify the Rome Statute. We believe, and will work to ensure, that by building on its achievements and enhancing its reputation for effective justice, the Court will in time become a universal forum bearing witness to the fundamental principle of justice for all. The victims of those crimes which fall within the remit of the Rome Statute deserve no less.

The Court, which has faced many challenges since its establishment has become the primary forum for international criminal justice. Sixteen cases in seven situations have been brought before the Court. Three of the situations referred to the Court have been referred by States Parties, two situations have been referred by the UN Security Council and the Prosecutor has opened investigations *proprio motu* into two further situations. In addition, the Office of the Prosecutor is conducting preliminary examinations in 9 countries. This year, the Court issued its first verdict in the case of *The Prosecutor v Thomas Lubanga Dyilo*. Significantly, in the context of this case, the Court has also issued its first decision on the issue of reparations for victims.

While recognising what has been achieved we also need to reflect on the need to strengthen our collective efforts to ensure the future success of the Court. We can learn from the experience of the past ten years to improve the functioning and effectiveness of the Court. We welcome the fact that work in this regard has already begun. We support existing and future dialogue between the Court and interested stakeholders within the Rome Statute system that seeks to explore proposals to increase the Court's efficiency while allowing it to deliver on its mandate.

As States Parties, we must support the Court in addressing challenges to its effective functioning and, in particular, we need to strengthen our co-operation with the Court. The

non-execution of arrest warrants continues to be a cause for grave concern. The fact that many States Parties have yet to fully implement the Rome Statute in domestic law is very disappointing. Ireland welcomes the inclusion in the agenda of this session of a separate item on co-operation and we look forward to the discussions around this issue.

I earlier expressed our appreciation for the work of the various facilitators. I would like on this occasion to acknowledge the efforts made by all to provide the Court with a budget ‘fit for purpose’.

Ireland would like to acknowledge the work of the Trust Fund for Victims. The Trust Fund is one of the many innovative features of the Court and has achieved much since its establishment in 2002. This year, following the Court’s guilty verdict in the *Lubanga* case, the Trust Fund’s second mandate with regard to reparations has been highlighted. The Fund has been dependent on voluntary contributions from a relatively limited number of donors. Ireland has been a very willing contributor to the Trust Fund having contributed €575,000 to date. We see the Trust Fund as a means of supporting the Court and believe that there is room for the donor base to be substantially enhanced.

Madam President

I will conclude by stating that Ireland will continue to support an independent and effective Court which can fully play its role in the ongoing efforts to end impunity for the perpetrators of those most serious of crimes against humanity. The Court has achieved much in its first decade. We look forward to its continued success in the future.