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Written statement by
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Madam President,

Let me begin by expressing our thanks and appreciation to you, Madam President, for your able guidance of the Assembly's work during the past year. I would also like to extend Norway's sincere congratulations to the newly elected Deputy Prosecutor of the Court, James K. Stewart, and wish him every success in his new function. Highly qualified and experienced leadership of the Court is key to ensuring a fair, effective and independent International Criminal Court.

Madam President,

Norway has always been a staunch supporter of the development and enforcement of international criminal justice, and in particular of the permanent International Criminal Court. It is our strong conviction that justice is a prerequisite for national reconciliation and lasting peace.

The tenth anniversary of the entry into force of the Rome Statute is a good opportunity to take stock of what the Court has achieved so far, and of the challenges ahead of us.

The ICC is today a thriving, independent organisation that enjoys broad support. More than 60 % of all States have acceded to the Court's Statute. Norway welcomes in this regard Guatemala as a new State Party, making the number of States Parties 121. The ICC is investigating seven situations, and has been seized with an eighth situation. Four of these have been referred to the Court by the concerned States themselves, and two of them by the Security Council. These numbers show a clear and steady development towards the universality of the Court, as well as an acknowledgement of the ICC's important role in ensuring accountability for the most serious

crimes of concern to us all, including by States that have not acceded to the Rome Statute themselves.

I would also like to point out that the tenth anniversary of the Court coincides with another important event for the Court: the issuing of its very first verdict, and the first time a person has been found guilty of enlisting and conscripting child soldiers in an international criminal tribunal. I should also mention the Court's important first guiding decision on reparations for victims.

Madam President,

Although we have every reason to celebrate the progress made during the Court's first decade, the Court is still a young institution, working under difficult circumstances, and in need of all the diplomatic and political support that we can muster. We encourage States Parties to seize every available opportunity to affirm their commitment to the mission and mandate of the Court.

Furthermore, as the judicial and investigative workload of the Court is increasing, it is vital to ensure that it has the necessary budgetary resources to function effectively. We cannot allow that resource constraints result in delays in investigations and Court proceedings, and worse, lead to impunity in situations where the Court is mandated to act. For these reasons Norway supports the Court's budget proposal, with the substantiated adjustments by the CBF.

However, we would again like to express our awareness of the difficult financial situation facing many States Parties due to the global financial crisis. In this context, it is particularly important that the Court shows the willingness and ability to increase its efficiency and effectiveness, and optimise its use of limited resources. We welcome and support the Court's proposal that trial preparations may be carried out by single judges in order to expedite proceedings and to improve cost efficiency. We also welcome the first report of the Court to the Assembly of States Parties on lessons learned, which is a starting point for discussions in the years to come on how to further improve the functioning of the Court.

Madam President,

One of the main criticisms of all international justice institutions has been the length of the proceedings. We believe that the winding down of the ad hoc and special international criminal tribunals is a good opportunity to reflect more thoroughly on how to expedite judicial proceedings and enhance efficiency. Efforts should be made to fully assess the lessons learned and the best practices from these rule-of-law institutions that preceded the ICC.

Madam President,

The Court cannot function without the effective cooperation of States. We therefore stress the need for all States Parties to fully comply with their legal obligations under the Statute. We also urge all States to comply with their legal obligations under Security Council resolutions 1593 and 1970 concerning the situations in Darfur and Libya. Particularly with regard to the Darfur

situation, we call on all States, and – of course – on the Sudanese authorities, to cooperate fully with the Court.

The growing number of outstanding arrest warrants is a matter of grave concern to Norway. Four of the twelve outstanding arrest warrants have been outstanding for over seven years. This is why Norway during the last session supported the adoption of an Assembly procedure relating to non-cooperation. The Bureau has implemented the procedure in response to two findings by the Court of December 2011 concerning the failure of Chad and Malawi to comply with the Court's request to arrest and surrender President Omar al-Bashir of Sudan. We have noted with satisfaction that Malawi reacted promptly to the communications by the Assembly's President and has engaged in a genuine dialogue aimed at the non-repetition of the instance of non-cooperation. However, on the basis of the Bureau's report, we urge Chad to comply with its legal obligation under the Rome Statute to cooperate with the Court, and to refrain from inviting and receiving persons subject to an arrest warrant issued by the Court.

In this context, I would also like to state that Norway strongly supports the inclusion of the bracketed text in the draft resolution on cooperation concerning the need to refrain from all non-essential contacts with persons subject to an arrest warrant issued by the Court. This is a policy that Norway practises.

Finally, we also have to express our serious concern about the detention this summer of four ICC staff members during a mission conducted in Zintan, Libya. This incident highlights the importance of respect for the privileges and immunities of the Court's staff and officials in accordance with Article 48 of the Rome Statute, and the necessity of securing respect for such privileges and immunities in all situations. We stress the need for all States Parties, as well as non-States Parties, that have not yet done so to ratify and fully observe the Agreement on Privileges and Immunities of the International Criminal Court as a matter of priority.

Madam President,

We appreciated the first open Security Council debate held on 17 October this year, under Guatemala's Presidency, which was entitled "Peace and Justice, with a special focus on the role of the ICC". We have three points to make in this regard.

Firstly, it is of utmost importance that the Security Council develops a more coherent approach to the referral of situations to the Court. Selectivity and double standards in making and failing to make referrals can undermine the confidence in the Court's independence. We are horrified by the continued atrocities in Syria, and urge the Council to take decisive steps to ensure accountability for those most responsible.

Secondly, there is a clear need for the Council to provide the necessary support to the Court following referrals, including by acting on ICC judicial notifications that signal a lack of cooperation following a referral. We would in particular encourage the Security Council to consider measures to ensure compliance with resolution 1593 concerning Darfur, Sudan.

Thirdly, we are of the opinion that the funding of investigations and prosecutions following Council referrals, which we welcome, should be a shared responsibility by all UN Member States in order to enable the Court to discharge its mandate effectively.

Madam President,

The principle of complementarity, as set out in the Rome Statute, recognises that the primary responsibility for investigating and prosecuting ICC crimes lies with the national justice systems of the States Parties. In order to effectively combat impunity, it is therefore essential to enhance national capacity to investigate, prosecute and adjudicate. As is well-known, it is not possible to write adequate legal motions and decisions without having access to legal sources. To match the expectations of effective prosecution of international crimes at the national level, practitioners should have equal access to the relevant legal sources as those working in international criminal justice institutions.

Norway considers legal empowerment to be a key element of the concept of positive complementarity. In this regard, we would like to draw attention to the Court's Legal Tools Project, which addresses the essential needs of national jurisdictions. Through the Legal Tools Database, more than 59 000 documents of relevance to international criminal law are available online free of cost to the user, and, importantly, free of cost to the Court. We are pleased that decisions issued this year by the Appeals Chamber of the Court have included Legal Tools Database persistent URLs for sources cited. This attests to the reliability of this database and makes the sources cited immediately available to all readers who have access to the Internet. We hope that all States Parties will respond to the ICC's invitation to submit national decisions and other legal documents that may not yet be included in the database. By assisting the Legal Tools Project in this way, we can contribute to the further strengthening of this common good hosted on the Court's online platform.

The strengthening of legal skills is also an essential component of legal empowerment. Norway therefore supports several complementarity initiatives, and welcomes in particular those that build on the Court's efforts to enhance the synergy effects of international criminal justice. One example is the Case Matrix Network. The CMN is a non-governmental organisation that utilises and promotes the use of the Legal Tools developed by the Court, and thereby provides technical assistance to actors in criminal justice systems at the national level. One of the Network's activities was the direct result of a call for support posted by a State Party on the Extranet of the Assembly's secretariat, thus proving the usefulness of this new tool, which was established by last year's Assembly.

In Norway's view, successful application of the principle of complementarity relies not only on the willingness and capacity of single national jurisdictions; it may also entail cooperation between States on gathering and transferring evidence, and the extradition of persons accused of international crimes. To facilitate such cooperation, multilateral initiatives and agreements may be a useful supplement to bilateral agreements. This approach may also help to consolidate norms and terms for cooperation between national jurisdictions in their joint efforts to end impunity for perpetrators of international crimes. Norway is therefore following with interest the initiative by

the Netherlands, Belgium and Slovenia relating to the negotiation of a new multilateral instrument on judicial cooperation and extradition for international crimes.

Madam President,

Norway is particularly committed to the fight against impunity for sexual and gender-based violence, which often targets the most vulnerable groups – women and children – on a large scale. Norway would like to stress that the Court must not fail in investigating, prosecuting and adjudicating such cases.

Norway's voluntary contribution to the Trust Fund for Victims, which amounts to NOK 2 million – approximately EUR 250 000 – this year, is earmarked for assisting victims of sexual and gender-based violence. We commend the Trust Fund for its important work. Our intention is to continue our financial support to the Trust Fund in 2013 on the same level as previous years. So far we have supported the Trust Fund with a total amount of EUR 950.000.

Madam President,

Let me finish by assuring you that Norway will continue to actively promote international criminal justice and contribute to the global fight against impunity. The International Criminal Court can count on Norway's continued firm support.

Thank you.