

Twelfth Session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court

Check against delivery

S T A T E M E N T

b y

H.E. Mr. Artur Nowak-Far
Under-Secretary of State
Ministry of Foreign Affairs
Representative of Poland

The Hague, November 21st, 2013

Madam President, Distinguished Delegates,

One year ago we celebrated the tenth anniversary of entry into force of the Rome Statute, an instrument that established the International Criminal Court. At that point the number of State-Parties was 121, and we all agreed that making the Statute universal was of utmost importance for the international community. Since then, to our high satisfaction, Côte d'Ivoire has become a new Party to the Statute, bringing us a step closer to achieving the Statute's universality, which we consider one of the fundamental goals of the Rome Statute.

Also, we should welcome Côte d'Ivoire all the more happily, as it sets a good example for the entire African continent despite skepticism about the validity of the Court's intentions voiced by some other states of Africa. We believe it is time to intensify the co-operation between State-Parties and the Court, time for all members to take their obligations sincerely and time for all of us to understand each other in order to promote and pursue the values of the Rome Statute.

For these reasons, I see Côte d'Ivoire's presence at our Assembly as an optimistic sign for the future, which should encourage us to pursue our goals even more vigorously. Poland is making every effort to be able to welcome to this forum new states belonging to the Central-Eastern European region in the near future.

In this context, allow me to comment briefly on the matter of Kenya's relations with the ICC. We listened yesterday to the speech by Ms. Amina Mohamed, the Minister of Foreign Affairs of Kenya with great interest. We take her presence amongst us and her address to the Assembly as a token of unswerving allegiance of Kenyan Authorities to the principles of the Rome Statute system and also as a pledge to meet all the requirements flowing from Kenya's membership in the ICC. Poland is deeply contended that the will to lead a constructive dialogue has won over negative emotions. We will endeavor to bring this difficult situation to a positive outcome. Everyone, who has contributed to such developments in this case already deserves a word of credit.

Another fundamental challenge for the whole Rome Statute system is the need to ensure co-operation with the Court and, in particular, to work out a *modus operandi* for dealing with instances of non-co-operation by States that are in violation of their ICC obligations. Bad political emotions should never lead countries to evade co-operation with the Court, whose goals not only serve the system of international justice, but also promote peace, security and reconciliation among nations whenever they happen to be at odds with each other. Without States' co-operation, the ICC cannot fulfill its mandate and significantly undermines the Rome Statute system together with its underlying values. This conclusion applies to all States Parties and to situations where the UN Security Council has referred a case to the Court in accordance with Chapter VII of the UN Charter. Out of 22 individuals with cases currently pending before the ICC, 12 are absconding justice and some have been doing so for several years. This restricts the ICC's capacity to deliver justice and undermines the court's credibility and deterrent effect. Non-co-operation with the Court on executing arrest warrants constitutes a violation

of international obligations. Visits by ICC fugitives to States Parties of the Rome Statute are especially unacceptable. We should come up with ways and means to encourage full co-operation of States with the ICC, including measures to ensure prompt execution of arrest warrants. Thus, we must not relent in expressing our strong support for the system of international criminal justice, first and foremost the International Criminal Court. This is especially important as unfavorable political climate towards the ICC still prevails in certain regions of the world. Liechtenstein's Informal Ministerial Network on matters related to the Court is a perfect example of political support that States Parties can provide to the Court in order to help it reassert its position in the international arena. Poland welcomed the initiative with great satisfaction and my colleague, Ms Henryka Mościcka-Dendys, Under-Secretary of State, took part in the Informal Ministerial Network's meeting that was held in New York this September.

The complex crises in countries like Syria or the continued volatility and uncertainty of social and/or political situation in Kenya and Libya should make us even more determined to work towards strengthening the ICC, which will help prevent and punish crimes of international concern, and protect victims of those crimes. We believe that the network has an important role to play in pursuing these goals.

There is little doubt that the Court's smooth and effective functioning depends on stable funding. As in previous years, Poland helps the Court meet its budgetary challenges by contributing to the Trust Fund for Victims and the Least Developed Countries Trust Fund. And we are committed to render this support in the future. Protection and relief for victims of war atrocities is one of the fundamental tasks of the Court and State Parties.

Moreover, Poland advocates increasing the Court's investigative capacity, and I am speaking here of the Office of the Prosecutor and the investigative personnel. This should improve the quality of evidence and the speed of investigations, for – as we all agree – “justice delayed is justice denied.” While financial needs of the Court should be duly taken into consideration, let us be mindful of budget difficulties faced by many countries, including Poland. We are seriously concerned by the initial budget proposal for 2014, which envisages an increase of 11 million euro. Such a significant growth of the Court's expenses, along with the necessity to finance the construction of the ICC's permanent headquarters, poses a major challenge for many states. Nevertheless, we would like to thank the Committee of Budget and Finance for its work, which led to the savings of 4.5 million euro. Poland is certainly not looking to shirk its financial obligations and we are ready for an in-depth and constructive discussion about next year's budget.

As regards mechanisms of the Court's functioning, Poland respects Mr. Herman von Hebel's engagement in reforming and improving the way the ICC Registry works. We fully support those endeavors and would like to reiterate our willingness to help the Registrar in any way we can.

Last but not least, I am pleased to announce that this September Poland started the ratification process of both amendments to the Rome Statute that had been adopted by the Review Conference in

Kampala, Uganda, in June 2010: an amendment to Article 8 criminalizing the use in non-international conflicts of certain weapons which are already forbidden in international conflicts, and the second amendment defining the crime of aggression and setting forth conditions for the ICC's exercise of jurisdiction over this crime. It will take approximately one year to conclude the procedure. At the same time, the Polish government is drafting an amendment to the Polish Criminal Code that will align it with changes to the ICC Statute. Poland has also ratified the Agreement on Privileges and Immunities of the International Criminal Court, which we consider crucial for the smooth functioning of the Court organs. We are convinced that the Kampala amendments and the aforementioned Agreement are a very important step in pursuing the Rome Statute goals, and we urge State Parties to ratify those instruments.

Madam President, Distinguished Delegates,

Poland is strongly committed to the idea of international criminal justice, in particular the International Criminal Court. We highly value the efforts and accomplishments of the President of the Assembly of State Parties to the Rome Statute, Ms. Tiina Intellmann, the President of the ICC, Mr. Sang-Hyun Song, the Court's Prosecutor, Ms. Fatou Bensouda and the ICC's Registrar, Mr. Herman von Hebel.

We believe that the Court plays an indispensable role in fighting impunity and we stand ready to support it despite any emerging obstacles or difficulties – just as justice must be done regardless of circumstances, which is especially true of the most grave crimes that affect the entire international community. The Court should benefit from a sense of justice that is common to all nations of the world. I certainly hope that by close co-operation we will be able to achieve goals set by the Rome Statute.

Thank you for your attention.