



ICELAND

Ministry for Foreign Affairs

Statement by

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at the General Debate

of the

**13th Session of the Assembly of States Parties to the Rome Statute of the
International Criminal Court**

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Mr. President, Members of the Assembly, distinguished delegates,

I would first of all like to congratulate you, Mr. President, on your election and assumption of Office as President of the Assembly for the next three years. We are confident that your leadership and extensive experience will be invaluable in guiding this Assembly in its work.

I would also like to extend our warmest gratitude to your predecessor, Madame Intelmann, for her able leadership and professionalism in this demanding position, and wish her all the best in her future endeavours.

Furthermore, I would like to congratulate the newly elected judges to the ICC, the new Vice-President of the Assembly, the new members of the Bureau, and new members of the Committee on Budget and Finance, and wish you all the best of luck in your challenging positions.

Iceland has been a strong supporter of the International Criminal Court since its foundation. Its work is not only important in the cases at hand or in order to bring redress and justice to the victims of the heinous crimes this Court has jurisdiction over, its impact in the fight against impunity and the preventive effect of having a well-functioning Court are even more important. Perpetrators of the crimes that fall under the Rome Statute, no matter what nationality or status they hold, should expect to be brought to justice and not to enjoy impunity. We welcome the achievements which have been made by the Court since the last ASP, including the first final judgment, an unprecedented six cases at the trial stage, a new State referral and acceptance of the jurisdiction of ICC by Ukraine.

Mr. President,

Iceland noted with satisfaction your recent introduction of your work plan during your tenure, emphasizing four items; 1) reconciling all Regions with the ICC, 2) Developing Cooperation between the States and the ICC, 3) Strengthening complementarity, and 4) working towards universality of the Rome Statute.

All of these issues are of a fundamental importance to the well-functioning of the Court and they are also all intertwined.

1) The Court is still a relatively young institution, some issues are still not fully formed and some questions may not yet have been answered. A dialogue may be needed on views and issues of concern to Member States or groups of States, while the fundamental values and principles of the Rome Statute should be something all Member States join hands in protecting. Relations between the Court and all states are therefore of the utmost importance. Iceland welcomes in this regard the discussion this morning on cooperation, both on cooperation in general and in particular the discussion on cooperation in the field of Sexual and Gender Based Crimes, which are crimes directed against the most

vulnerable groups in conflict situations, women and children. These groups face particular challenges and accordingly need particular attention.

2) Good relations with Member states are also a contributing factor to good cooperation with the Court. According to Art. 86 of the Rome Statute, all Member States are under an obligation to cooperate fully with the Court in its investigation and prosecution, and Iceland regrets the recent instances of apparent non-cooperation. Without cooperation, the core functions of the Rule of Law are at risk as cases cannot be judged on its merits without full, thorough and unimpeded investigation.

3) An even greater concern is the possibility of such non-cooperation with the Court, leading to withdrawal of charges or investigation and prosecution being dropped. According to the complementarity principle, embodied in Art. 17 of the Rome Statute, national legal systems bear the primary responsibility for investigating, prosecuting and sentencing perpetrators for the crimes which also may fall under the jurisdiction of the ICC. Capacity of domestic courts to deal with all situations that may arise is therefore of crucial importance and Iceland welcomes the efforts being put into strengthening this capacity. Nevertheless, where justice cannot be reached at the national level a well-functioning ICC with full cooperation of all Member States should ensure that justice is done in all cases which fall under the jurisdiction of the Court. We must keep in mind that there is no alternative route to justice if the process at the ICC, as the court of last resort, is hampered or impaired.

4) With this in mind, the universal ratification and effective implementation of the Rome Statute becomes an even more important goal, as without it there are gaps in the global coverage of the enhanced assurance of justice, which membership to the ICC brings. I can add in this context that Iceland is in the process of ratifying the Kampala amendments to the Rome Statute.

In the absence of universal membership to the ICC, and in light of the gravity of the situations in some on-going conflicts around the world, particularly in Syria, Iceland is of the view that a referral from the United Nations Security Council to the Court should be used, when the situations so require, and under such circumstances be funded jointly by all the Member States of the United Nations. It is regrettable if differences in political views lead to inaction when nations watch in horror as atrocities are being committed. Politics must never support impunity.

Finally, Mr. President, in order for the ICC to function well and according to its mandate, Member States must do their share in ensuring that the Court has all the necessary resources. Budgetary matters are at the core of all international institutions and the ICC as all other international institution must always exercise full financial responsibility. However, sufficient funding for the ICC is particularly important in light of the extremely important work it is doing. The ideals behind the ICC would be tainted if the work of the quest for justice becomes too budget driven.

Thank you.