



**STATEMENT**

**by**

**Mrs. Claire de Bourg-Exeter, Second Secretary,  
Embassy of the Republic of Trinidad and Tobago to the  
Kingdom of the Netherlands and to the Kingdom of Belgium  
at the General Debate of the Fifteenth Session of the Assembly of States  
Parties to the Rome Statute of the International Criminal Court**

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**The Hague, Kingdom of the Netherlands  
17 November 2016**

Mr. President,

Trinidad and Tobago has the honour and privilege to participate in yet another session of the Assembly of States Parties to the Rome Statute.

As many of you are aware, the former Prime Minister and President of the Republic of Trinidad and Tobago, Arthur Napoleon Raymond Robinson, was a key proponent for the establishment of an international court, and utilized his statement to the United Nations General Assembly in 1989 to reintroduce the item on the establishment of an international criminal court on the UN agenda. Trinidad and Tobago therefore prides itself on being only the second nation to have ratified the Rome Statute, and was elated in April 2016 to attend the official opening of the permanent premises befitting this landmark judicial institution.

It cannot be ignored that the ICC continues to be a beacon of hope to all victims of crimes within its jurisdiction who are seeking justice. These include thousands of women and children who are the ones most affected by the actions of those who show blatant disregard for the sanctity of humanity by violating international humanitarian law and international human rights.

In this light, we commend the Prosecutor, Ms. Fatou Bensouda, for the tremendous strides made in discharging her mandate, and we welcome the launch by the Prosecutor of the ICC's Policy on Children. We also take note of the preliminary examination activities in 11 situations from 2015 to 2016 and the newly opened investigation following judicial authorization by the Court.

Mr. President,

We have much to celebrate. 124 States are now Party to the Rome Statute. This is a significant achievement in the face of the obstacles encountered by the ICC since the Rome Conference in 1998. In welcoming new States Parties, such as our fellow CELAC State of El Salvador, we also applaud the most recent ratifications by The Netherlands and by Chile of the Amendments to the Rome Statute on the Crime of Aggression, which bring the total number of ratifications to 32.

In this regard, we recall the decision made at the Review Conference of the Rome Statute held in 2010 in Kampala, Uganda, that the Court may exercise its jurisdiction over the crime of aggression once 30 States have ratified the amendments, and subject to a decision of the Assembly to activate that jurisdiction. We therefore look forward to the decision of this august Assembly to activate the Court's jurisdiction over the crime of aggression in 2017. In the interest of promoting the rule of law and preventing impunity, we urge all States Parties which have not yet done so, to take the necessary steps to ratify or accede to the Rome Statute, to ratify the Kampala Amendments and to ratify the Agreement on Privileges and Immunities.

Mr. President,

Trinidad and Tobago takes this opportunity to reiterate our previous proposals for consideration to be given to amending Article 5 of the Rome Statute to include the crime of international drug trafficking within the jurisdiction of the Court. It is our view that given the transnational character of this crime, in the absence of extradition agreements, governments are unable to prosecute those accused of international drug trafficking, which is also linked to the illicit trade in small arms and light weapons, money laundering, murder and extortion, to name a few.

Mr. President,

In spite of the remarkable progress that has been achieved, we believe that advancement continues to be hampered by the lack of commitment to cooperation in some quarters. Cooperation with the Court is at the centre of the Rome Statute and does not only fall to States Parties, but also to all Member States of the United Nations, especially as it relates to referrals by the Security Council.

Those who argue that the ICC is an obstacle to achieving lasting peace and security, must be reminded that consistent with the doctrine of complementarity enshrined in the Rome Statute, the jurisdiction of the ICC is only invoked when States are unable or unwilling to prosecute those individuals accused of perpetrating the most severe crimes of concern to the international community. In other words, no individual or State should fear the ICC because it is a court of last resort.

As a founding member of the ICC, Trinidad and Tobago is therefore concerned by recent developments on notices to withdraw from the Rome Statute, and wishes to encourage greater dialogue and trust between the ICC and States Parties. While fully respecting the sovereign right of States to pursue a course of action, Trinidad and Tobago is firmly of the view that engagement, not disengagement, should be the prevailing approach towards the ICC. In this regard, we underscore that the success of the Court is intrinsically linked to the universality of the Rome Statute.

Mr. President,

Pursuant to the current report of the United Nations Secretary General on the ICC, we further underline the importance of follow-up on Security Council referrals to ensure cooperation, namely the arrest and surrender of individuals, with a view to ensuring that effective justice is delivered. We, therefore, fully agree with the submission contained in the said report that a perception of inactivity on the part of the Council risks undermining the credibility of both the Council and the Court.

Trinidad and Tobago remains concerned over the unprecedented workload of the Court, with, among other things, four cases simultaneously at trial and several at other stages of proceedings. To this end, we reiterate our call for the ICC to be provided with the necessary resources to properly discharge its mandate. We also urge those States Parties that have not yet done so, to meet their outstanding contributions, to ensure that the Court is able to discharge its responsibilities in an effective and efficient manner.

In closing, Trinidad and Tobago, as a responsible State Party, will remain steadfast in our support for the ICC in its quest to adhere to the principles enshrined in the Rome Statute as laid down by the founding fathers of the Court.

I thank you.