

STATEMENT BY MR. METOD ŠPAČEK, DIRECTOR OF THE INTERNATIONAL LAW DEPARTMENT, MINISTRY OF FOREIGN AND EUROPEAN AFFAIRS OF THE SLOVAK REPUBLIC

16TH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

New York, 7 December 2017

Mr. Vice-President,
Excellencies,
Ladies and Gentlemen,

Recalling the statement presented yesterday by the representative of Estonia on behalf of the European Union and its Member States, I would like to make some further observations in our national capacity.

Slovakia is deeply committed to the fight against impunity for the most serious international crimes. Their perpetrators shall unconditionally and without exception be brought to justice. We are strong supporters of the International Criminal Court and its main objective to assist the international community in closing the impunity gap for the most heinous international crimes.

In this regard, we should not forget that the primary responsibility to exercise jurisdiction over alleged criminals lies within national legal systems and the ICC remains exclusively the “court of last resort”. However, the system of complementarity can fully work, only if States ratify or accede to the Rome Statute and implement it fully at domestic level.

Mr. Vice-President,

We regret the withdrawal of Burundi from the Court, as well as the announcement of the intent to withdraw made yesterday by South Africa. At the same time, we welcome the decision of the Government of The Gambia to reverse the decision on withdrawal and to remain in the family. We are convinced that this decision sends a strong signal across the continent and wider international community on the importance of building the universality of the Rome Statute.

Mr. Vice-President,

Our current session of the Assembly of States Parties is yet another important one with potentially historic decisions to take. Earlier this week, we have elected six new, highly qualified judges of the Court, as well as the new President of the Assembly, Judge O-Gon Kwon of the Republic of Korea. We would like to extend to them our warmest congratulations. Slovakia, the future member of the Bureau, is committed to work closely with other members to strengthen the Court, its effectiveness, efficiency and independence and to contribute to fighting impunity. Allow me also to express our appreciation to the outgoing President of the Assembly Sidiki Kaba and the President of the Court Silvia Fernández de Gurmendi for their personal dedication, engagement and enthusiasm, with which they performed their important functions and that have considerably contributed to the wider promotion of the ICC. We also acknowledge the role of the Secretariat of the Assembly and express our thanks for the invaluable support it provides to the Assembly.

Mr. Vice-President,

States Parties are approaching the decision on the activation of the Kampala amendments on the crime of aggression. We came through a long and difficult path. We have reached 35 ratifications; conditions for the activation have been met. Slovakia ratified the amendments in 2014 and strongly supports an early activation

of the jurisdiction of the Court over the crime of aggression. This difficult and yet important and historic decision shall be taken during our current session. It shall be a unanimous decision, adopted by consensus. A decision that will send a strong message of unity towards international community and one answering at the same time calls for legal clarity and certainty.

Mr. Vice-President,

Together with other co-sponsors, we strongly support the adoption of the Amendments to Article 8 of the Rome Statute extending the list of war crimes. We are convinced that we will be able to find necessary support among the States Parties to extend the jurisdiction of the Court by further four war crimes involving the use of weapons that cause immense suffering or killing in an indiscriminate way.

Mr. Vice-President,

The negotiations on the budget of the Court will once again play an important role during our current session. Allocating appropriate resources, even in times of financial constraints, requires finding a delicate balance. A good budget is the material precondition for the successful operation of the Court. We believe that the compromise in this question is going to be found without consequences to the proper fulfilment of the Court's tasks. We extend our call for improvements of the budgetary mechanism and process, including by exploring the potential biennialisation of the Court's budget.

Mr. Vice-President,

During the last year's Assembly, we failed to adopt a decision on the provisional amendment of Rule 165. This created dangerous legal uncertainty and might be perceived as a wrong precedent. Therefore, we urge the Assembly to rectify this situation and to clarify the status of the amendment.

Mr. Vice-President,

Cooperation with the ICC is a clear sign of respect to the principles upon which it was established. We remind all States Parties that they are under legal obligation to cooperate fully with the Court. In order to gain the trust of the general public in the ICC, we need to see examples of real cooperation of States with the Court and not of its total opposite which we unfortunately continue to witness. We strongly appeal on all States to avoid any steps which could undermine the integrity and universality of the system of international criminal justice built in Rome almost 20 years ago.

Mr. Vice-President,

Let me once again express Slovakia's on-going commitment to international criminal justice and to the work and role of the International Criminal Court and our full support for your efforts, as well. We look forward to working constructively with all the States Parties, officials of the Court and members of the NGOs community to achieve a successful outcome of the session of our Assembly.

I thank you.