



EMBASSY OF FINLAND  
THE HAGUE

Check against delivery

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

7<sup>th</sup> Session

General Debate

Statement by  
H.E. Mr. Mikko Jokela  
Ambassador  
Embassy of Finland to the Netherlands

The Hague, 14 November 2008

Mr. President,

It is a pleasure for me to speak on behalf of Finland at this seventh Session of the Assembly of States Parties to the Rome Statute. Finland fully associates herself with the statement delivered by the French Presidency of the European Union.

Mr. President,

Let me start by wishing you the best of success in your post as the President of the Assembly. We are convinced that with your long experience of negotiations relating to the various aspects of the Rome Statute and the Court you are particularly well placed to guide our work for the coming three years.

We would also like to extend our congratulations to the newly elected Vice-Presidents and the members of the Bureau and thank the outgoing Bureau and the Hague and New York Working Groups as well as the organs of the Court and the Secretariat for the work done in preparing our discussions. Finland is equally indebted to the NGO's, and the CICC in particular, for their contribution to this process.

Mr. President,

This year we have celebrated the tenth anniversary of the adoption of the Rome Statute which today has 108 States Parties. The Court stands fully operational as a venue for the investigation and prosecution of the most serious international crimes. Moreover, the deterrent effect of the Court has already been acknowledged – potential perpetrators can no longer expect to carry out their crimes with impunity.

In order to mark this milestone in the development of international law, the Finnish Institute of International Affairs in cooperation with the Ministry for Foreign Affairs organized a seminar in Helsinki in June under the title "Current Challenges to International Criminal Justice – International Criminal Court ten years after the adoption of the Rome Statute". We had the honour of welcoming Judge Philippe Kirsch, President of the International Criminal Court, as the keynote speaker at the seminar. The seminar as well as the visit by President Kirsch to Finland also helped to increase the awareness of the wider public about the important function of the Court and the current state of its activities.

Indeed, significant progress has been made since the last session of the Assembly. In addition to the activities of the Prosecutor and the Pre-Trial and Trial Chambers, the Appeals Chamber has rendered important decisions, including with regard to victims participation and rights of the defence. In view of the number of legal questions on which details still need to be clarified in this early phase of the Court's judicial proceedings, it is necessary to ensure sufficient legal support for the Appeals Chamber, in order for it to be able to work expeditiously and efficiently. In this respect, Finland finds it timely that the Court review the staffing structure of the Chambers as recommended by the Committee on Budget and Finance.

Mr. President,

Finland is convinced that fair administration of justice is an essential element in peace efforts, one that cannot be traded off as a political negotiating chip. While questions of the right timing may sometimes have to be considered, impunity for the most serious crimes cannot be accepted. "Peace and justice, if properly pursued, promote and sustain one another. The question can never be whether to pursue justice, but rather when and how", as acknowledged by the Nuremberg Declaration on Peace and Justice. This Declaration reflects the conclusions of the international conference entitled "Building a Future on Peace and Justice", which was organized by Germany, Jordan and Finland together with civil society organizations in Nuremberg in June 2007.

We have noted that requests have been addressed to the Security Council, with regard to the Darfur situation, to use its deferral powers under Article 16 of the Rome Statute. While invoking Article 16 is a matter for the Security Council, we would like to recall that the drafters of the Rome Statute intended this Article to be used in exceptional circumstances only and, in our view, never in a way that would erode the Court.

Mr. President,

The chances of the Court to succeed depend greatly on the co-operation of States, especially those under an obligation to co-operate, whether as States Parties or in accordance with a binding Security Council resolution. Finland fully endorses the call by the European Union that all outstanding arrest warrants should be executed without delay.

States should ensure that they have the necessary legislation in place to co-operate with the Court and to fully implement the Rome Statute. Let me add that the Finnish Penal Code was recently supplemented in this regard. At the time of ratifying the Rome Statute in December 2000, it was acknowledged that the legislation then in place did not allow the national courts to fully exercise jurisdiction over crimes within the Court's jurisdiction. The Government Bill on the necessary amendments to the Penal Code was submitted to Parliament in September last year. The amendments were subsequently adopted and are in force since 1 May this year.

In this context, we would like to note the work undertaken by the Legal Tools Project, which among other issues includes an electronic database and a commentary of national legislation implementing the Rome Statute. As one of the donors contributing to this Project, we are convinced of the value of the ICC Legal Tools both for the staff of the Court and for outside users. Finland has, this year again, also contributed to the Internship and Visiting Professionals Programme of the Court as well as to the LDC Fund. Finland finds it important that the grants under the Internship and Visiting Professionals Programme further increase the number of participants from developing countries, and thus contribute to a more equitable geographic representation in the Court.

Mr. President,

The Trust Fund for Victims has just completed its first full year of operations including the first filings with the Court for projects in Uganda and the Democratic Republic of Congo. These projects were subsequently approved by the Pre-Trial Chambers and are now at different stages of implementation. Finland has consistently supported the Trust Fund financially and intends to continue such support also this year. However, more information should be made available by the Trust Fund on the use of the funds received through voluntary contributions in order to ensure the necessary transparency and accountability. We would also encourage the Trust Fund to make public its goals and strategic priorities as well as its procedures for the selection of projects and its evaluation mechanisms.

In this context, we would also like to welcome the Report by the Bureau on the Strategic Planning Process of the Court and the progress made by the Court in implementing its Strategic Plan. We wish, however, to encourage the Court to work further for developing a strategy for victims.

Mr. President,

The Review Conference is rapidly approaching. In addition to deciding on the venue of the Conference, the Assembly must also increasingly focus on the substantive preparations for the Conference. It is of utmost importance that the time reserved during this Session and during the second resumption in February for the Special Working Group on the Crime of Aggression be used efficiently so that well-prepared proposals enjoying the broadest possible support can be submitted to the Conference regarding the crime of aggression. Finland looks forward to a constructive Review Conference that will strengthen the Court and increase its visibility.

Mr. President,

Let me finally acknowledge the invaluable work of the first President of the Court, H.E. Mr. Philippe Kirsch. As President, Judge Kirsch has steered the Court in a steadfast and uncompromising manner during the early years of the Court. We are very grateful for his dedication and contribution, and we wish him all the best in his future endeavours.