



## EMBASSY OF ITALY

Mr. President,

Italy fully subscribes the statement delivered by the Swedish rotating Presidency of the European Union.

Italy is firmly convinced and supportive of the central role of international criminal justice in contributing to implement the responsibility to protect populations from the commission of the most serious crimes of international concern. The Rome Statute is increasingly acknowledged to represent the centrepiece of a progressively defined system where different actors share the same responsibility: to fight against impunity in a framework of legality.

Seven years after the entry into force of the Rome Statute, the ICC has now grown into a fully developed institution, visibly performing its core functions through several investigations and prosecutions. Italy is committed in ensuring that the mandate of the Court is fulfilled and will continue to support its operations in all relevant fora and contexts. The Court has the burden of conducting reliable proceedings, where justice is also seen as administered fairly and independently, within the existing resources. States, on their side, cannot deprive the system of their crucial contribution to ensuring that trials are made possible by the provision of the necessary judicial cooperation and assistance. In this regard, a common understanding of the scope of the obligations set out under the Rome Statute is crucial to allow a smooth running of the operations of the Court and continued support by all parties involved.

Mr. President,

The Court's mandate is of a judicial nature but the ICC, as an international organization, also performs a number of administrative functions. It is the Law of the Statute that establishes the nature of the functions carried out by the ICC and the respective roles of the Court and of this Assembly. In this regard, States Parties have a primary duty to protect the independent exercise of the judicial functions of the Court and the implementation of its judicial decisions: without independence there can be no justice. At the same time, the Assembly has to remain mindful of its policy and oversight role. We look at the establishment, mandate and implementation of the Independent Oversight Mechanism as an essential step to safeguard institutional relationships in the ICC system.

Mr. President,

The budget of the ICC has grown steadily over its life and the current level of resources ensures that the mandate of the Court be carried out in a sustainable manner. We appreciate that the budget presented for 2010 includes a limited increase in resources and are grateful for the valuable review conducted by the Committee on Budget and Finance. We are also convinced that States Parties should continue to provide the ICC with all means it requires to conduct efficiently and effectively the fight against impunity. Elements which can contribute to fulfil this common ambition include a transparent budget process, additional clarity on the assumptions, coordination within Major Programmes to prioritize limited resources and avoid duplications, focus on the judicial mandate of the institution and constant reliance on lessons learnt in other international jurisdictions.

Mr. President,

The first Review Conference of the Rome Statute will represent an important opportunity of verification of the vitality of the system established in Rome in 1998, as tested over seven years of actual activities of the ICC. However, we see this as only a step of a continuing review process that should engage all stakeholders in a common endeavour to enhance the ICC's effectiveness by taking into account the lessons learnt throughout the practices of international and national jurisdictions. In this perspective, we see the Review Conference as a review of the Law and Practice of international criminal justice.

The adoption of amendments to the Statute is a priority in the agenda of the Review Conference, as this is explicitly provided under the Statute. We firmly believe that States Parties should safeguard primarily the delicate compromise reached in Rome, which so well has functioned so far that the Statute has been capable to constantly attract new participations. In this regard, we are committed in providing our support to those amendments that can strengthen accountability and benefit the effectiveness of the Court, as long as they are able to maintain the current level of consensus on the Statute. The second focus is on stocktaking of international criminal justice and we favour a well prepared and structured exercise of comprehensive and meaningful review on the substance of established practices of relevant jurisdictions. In particular, lessons should be drawn from the experience in those areas which have proven more sensitive both at the Court and for other international Tribunals.

Italy stands ready to actively contributing to a thorough debate on these topics. In this regard, I am glad to inform that the Minister of Foreign Affairs has appointed Minister Plenipotentiary Gian Luigi Mascia as National Coordinator for the Review Conference.

Mr. President,

The universality of the Rome Statute remains a priority for all of us. The level of acceptance of the Court worldwide is a measure of its success, and we are particularly pleased to welcome for the first time in this Assembly two new participants to the Rome Statute: the Czech Republic and the Republic of Chile. It is also important that efforts of the Assembly continue in the direction of improving a correct understanding of the Statute's system and of the necessity of its implementation in national legislations, as well as on the realistic expectations that a complementary jurisdiction can offer.

Mr. President,

We have a clear view of the challenges ahead of us but we are confident that there is now a widespread understanding that accountability for the most serious crimes of international concern is not negotiable. However, a clear distinction should be maintained between the realms of politics and law. Only an independent Court, through fair judicial proceedings uncontaminated by external factors, can achieve the high objective to put an end to impunity for the perpetrators of the unspeakable atrocities which continue to threaten international peace and security.

Thank you, Mr. President