

International Criminal Court  
Ninth Session of the  
Assembly of State Parties

Statement on behalf of

**ESTONIA**

by

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Secretary General of the Ministry of Justice of the  
Republic of Estonia

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Mr President,

The Estonian delegation would first like to fully align itself with the statement made by Belgium on behalf of the European Union. To begin with, let me commend the representatives of the Court and the working groups in The Hague and New York for their valuable input to this Session.

We have witnessed remarkable developments this year. The first-ever Review Conference of the Rome Statute concluded with the adoption of the long-discussed amendments on crime of aggression and reaffirmation of the key principles on which the prosecution of the most serious crimes is based. The Office of the Prosecutor has started two new investigations by using his *proprio motu* powers under Article 15 of the Rome Statute. A Pre-Trial Chamber of the Court has issued the first arrest warrant for the crime of genocide. Three outstanding arrest warrants have been executed. Let me stress that in the light of these dynamic developments it is crucial to ensure the Court's continued institutional development. It is against this background that Estonia wishes to highlight three themes: amendments to the Rome Statute, the cooperation of the states and international organizations with the Court, and lastly the budget of the Court.

Mr President,

The adoption by consensus of a package of amendments on the crime of aggression by the Review Conference of the Rome Statute was a major achievement for States Parties. It was also a momentous step towards ensuring an international order based on the rule of law and international law. I would like to seize this opportunity to express our sincere appreciation to you, Mr President. You have contributed enormously to the accomplishment of the amendments on the crime of aggression, agreed upon after more than half a century of debate. We would also like to extend our gratitude to Mr Stefan Barriga and His Royal Highness Prince Zeid Ra'ad Al-Hussein, who have worked tirelessly on the issue, and to

all those involved in ensuring the successful outcome of the Review Conference.

It has been a long way from Nuremberg to the permanent criminalization of the waging of aggressive war. The agreement reached in Kampala has reinforced the attention of the international community to *jus ad bellum* domain and the prohibition of the aggressive war. Once activated, the Court's jurisdiction over the crime of aggression will become an additional tool for addressing the most serious forms of illegal use of force in the future. Building up public support for this tool is of utmost importance in order to end impunity and achieve universal deterrence of the most serious crimes of international concern. At this point Estonia wishes to pay tribute to NGOs for their hard work in promoting the universality of the Rome Statute and its implementation.

The resolution adopted in Kampala was the first step towards the activation of the Court's jurisdiction over the crime of aggression. Now the next steps must follow in order to put the agreement into practice. As the amendments on aggression need to be ratified or accepted at least by thirty State Parties before entering into force, we would like to encourage the State Parties to consider the ratification or acceptance of the amendments adopted in Kampala by 1 January 2017.

As the enforcement of the amendments adopted by the Review Conference takes time, immediately proceeding with new amendments should be approached cautiously. At the eighth session of the Assembly, a Working Group whose mandate includes considering amendments to the Rome Statute as well as to the Rules of Procedure and Evidence was established. It is our understanding that this Working Group should focus only on those amendment proposals which enjoy unanimous support among the State Parties. We note that with a view to potential amendments, it would be fruitful to start with the examination of the Rules of Procedure and Evidence.

Mr President,

When it comes to the topic of cooperation, it has been named Court's lifeblood as well as its Achilles' heel. We all know that without cooperation the Court would fail in its authority. Discussions held over the Review Conference's stocktaking exercise have elevated the importance of effective cooperation to a new level. Statements made in the Review Conference by the State Parties and other stakeholders have raised expectations that concrete actions will follow. We were pleased to see this happen in the case of an arrest by French authorities carried out in October 2010, resulting from inquiries conducted in cooperation by the ICC, State Parties, and also non-State Parties. As the universality of the Rome Statute would have an additional positive impact on cooperation, we warmly welcome Bangladesh, Seychelles, Saint Lucia and Moldova among State Parties of the Rome Statute.

Post-Kampala developments have also indicated that there are still challenges to be tackled. The Rome Statute provides a clear mandate for the Assembly to consider any questions related to non-cooperation with the Court. We look forward to further discussion at this meeting regarding the ability of the Assembly to discharge its mandate. Even though tension between peace and justice continues to exist, it is our firm position that impunity cannot be tolerated. Let me recall at this point the statement made by the President of Estonia to the 65<sup>th</sup> Session of the UN General Assembly and I quote: "without justice, the efforts to ensure sustainable peace might easily be wiped out."

Mr President,

On the issue of the Court's budget we wish to commend the work carried out by the Committee on Finance and Budget. Over the years, the CBF's financial expertise has proven to be extremely valuable, furthering the transparency and efficiency in the Court's management and administration. Thus, Estonia supports the CBF's recommendations for

next year's budget and we advise that they be accepted.

The International Criminal Court is currently operating in an environment which is badly affected by the global economic and financial crisis. International actors are likely to face a period of financial constraints. In this light we would like to join the calls to strengthen the efficiency and the effectiveness of the Court. At the same time we firmly believe that the role of the CBF as the Assembly's adviser in its budgetary decision-making should be maintained. Let me also note that the effective functioning of the Court's governance system requires coherence between internal and external oversight mechanisms. The review of the means already available to the Assembly to provide management oversight of the Court as well as the use of the full potential of those means and making adjustments, if necessary, should be our priority.

Mr President,

The Review Conference clearly reflected our renewed will and engagement to ensure international order based on the rule of law. Expecting the same spirit to last throughout next year and the years to come, I would like to reiterate Estonia's strong and long-standing commitment to the principles of the Rome Statute, and to an independent and credible International Criminal Court.

Thank you for your kind attention.