



9th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

6 December 2010

Mr. Martin Sørby
Deputy Director General

Mr President,

We extend our sincere thanks to you for ably guiding the work of the Assembly of States Parties, and to President Sang-Huyn Song and his colleagues at the Court for the work carried out in the course of the past year. This still new institution has been further consolidated. The Court is integrating itself into legal systems and into international institutions and relations. Most importantly, it has already led to profound processes of modernisation and change in domestic legal systems.

Let me start by thanking the Government of Uganda and all the contributors for a successful Review Conference. In our opening statement in Kampala, we underlined that we should not only review – but also celebrate – the Rome Statute, the ICC and the political, diplomatic and legal work it took to create it. The Conference showed that there is still a strong political and diplomatic commitment to furthering the legal work to strengthen international criminal justice, in short, to end impunity. Like the other States Parties, we are pleased that we succeeded in reaching consensus on amending the Rome Statute to include a definition of the crime of aggression and the conditions under which the Court could exercise jurisdiction over that crime.

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We also welcome the resolutions on stocktaking of international criminal justice and the Kampala Declaration, in which the States Parties reaffirmed their commitment to the Rome Statute and its full implementation, as well as its universality and integrity.

We are furthermore pleased to see Norway's proposal on enforcement of sentences materialised in a resolution that calls on all States Parties to indicate to the Court their willingness to accept sentenced persons in their prison facilities. The resolution also confirms that a sentence of imprisonment can be served in prison facilities made available by an international or regional organisation, mechanism or agency. We are now actively considering how to take this process forward, and we will work with all interested partners in this regard.

Mr President,

As regards the Court's operations, Norway welcomes the progress made, including recent arrests. In the context of complementarity Norway has over the past few years increased its efforts to strengthen the protection of civilians, especially women and children, against the atrocities of war, with particular focus on the widespread sexual violence that has been perpetrated in connection with the conflict in the Democratic Republic of the Congo (DRC). Sexual violence constitutes one of the most serious contemporary international crimes, and arrests have been regarded as a crucial step in efforts to prosecute the alleged perpetrators of the sexual crimes. Charging the alleged perpetrators of acts of sexual violence as war crimes and crimes against humanity, when the conditions so warrant, is also a concrete step forward in the fight against impunity for such crimes. Sexual violence is a crime of utmost gravity and of concern to the international community as a whole. It is imperative that the perpetrators of such crimes face accountability, not impunity.

As we have heard this morning from the President of the Board of Directors of the Trust Fund for Victims, Mrs Elisabeth Rehn, it is also important to keep in mind that victims of sexual violence are often double victims, because of the damage to their self esteem and to their position in their communities. The Trust Fund for Victims is an important tool to counter this effect. Last year

Norway contributed approximately EUR 250 000, to the Trust Fund for Victims. I am pleased to announce that we will provide a similar contribution this year.

Bringing climates of impunity to an end requires determined cooperation between actors who have international peace, justice and security as their common goals. The ICC is dependent on the cooperation of the States Parties in particular. The recent arrest of Mr Mbarushimana was a joint effort by many parties, including France, the DRC, Rwanda, and Germany. This was an example of successful cooperation between States. However, eight arrest warrants remain outstanding, warrants pertaining to the situations in Darfur, Uganda and the DRC. This is a matter of grave concern to Norway. Norway expects all States to carry out their obligations in accordance with international law. As the Court itself does not have a mandate to arrest persons, it is incumbent on States to carry out this task. In the situation regarding Darfur, we call on all states, and, of course, on the Sudanese authorities, to cooperate fully with the Court and to comply with their legal obligations under Security Council resolution 1593 (2005). We would in this connection also encourage the Security Council to consider measures to ensure compliance with resolution 1593.

Mr President,

We shall at this meeting take the necessary steps to fully develop an independent oversight mechanism. It is certainly in the Court's own interest to have an efficient and independent oversight mechanism. One of the benefits is that any frivolous or malicious charges against the court or any of its organs may be channelled to an independent organ and considered in an appropriate manner. This should help to avoid for instance rumours or politicised debates at the Assembly of States Parties or elsewhere. We believe it is possible to ensure full prosecutorial independence and independent management oversight simultaneously, as demonstrated inter alia by the two UN ad hoc tribunals. Furthermore, we find it inconceivable that an efficient oversight mechanism could be perceived as a threat to the court's integrity and independence. On the contrary, when we negotiated the Rome Statute, we and many other delegations clearly indicated that efficient management, including through appropriate oversight mechanisms, should be a hallmark of this new institution.

Let me conclude with a few words on another important issue, namely universality of the court. We welcome Bangladesh, Seychelles, Saint Lucia and Moldova as new States Parties to the Rome Statute. We are now 114 States Parties, and the number is rising year by year. It is remarkable that so many States, from all parts of the world, have ratified the Statute in such a short time. More than two thirds of the world's nations have signed, ratified or acceded to the Rome Statute. This shows that there is a clear movement towards universality of the court. It also reflects the global importance of its work. Strengthening the rule of law and promoting justice is a key priority for Norway. We all share the universal values attached to the protection of human dignity. The ICC is proof of the fact that we can rise to the occasion and suppress the most serious crimes affecting the international community.

We should all do our utmost to promote further consolidation of the court. This will guide our work in regard to all the items on the agenda of this session.