



REPUBLIC OF POLAND
PERMANENT MISSION TO THE UNITED NATIONS

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to the Rome Statute
of the International Criminal Court

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STATEMENT

by

H.E. Mr. Janusz STAŃCZYK

Ambassador Extraordinary and Plenipotentiary
of the Republic of Poland to the Kingdom of the Netherlands,

Head of the Delegation of the Republic of Poland

New York, December 6th, 2010

Mr. President, distinguished delegates

Poland continues to strongly support the International Criminal Court and its judicial worldwide mission. We are deeply devoted to the **idea of achieving universality** of the Rome Statute, which for us remains to be the key and the most significant principle related to the Court. As of today, 114 states became parties to the Rome Statute and this number is systematically growing. Let me avail myself of this opportunity to welcome Bangladesh, Saint Lucia, Seychelles and Moldova as new states parties to the Rome Statute. Their presence here and contributions to the development of the international criminal justice are very meaningful for us.

Mr. President,

The **first Review Conference** in Kampala is completed. Poland, in general, is satisfied with the results of the Conference, in particular those related to the amendments to the Rome Statute adopted there. In addition, we agreed and adopted the *Kampala Declaration* being an unequivocal political support from the high level for the Court and its mission.

We welcome **the definition of aggression and elements of that crime adopted at the Review Conference**. No doubt, they are not perfect, however they represent a very wide consensus of all states, not only states parties to the Rome Statute, on such a sensitive political issue. Compromise achieved in Kampala on the **question of exercising jurisdiction by the Court over the crime of aggression** is also welcomed by Poland. We achieved there what was achievable at that time. For some states may be it is too much, for many others too little. Therefore we agreed that the final decision to activate the jurisdiction of the Court on aggression will be undertaken by states parties not earlier than 1 January 2017, thus giving them more time for a careful and comprehensive consideration of the issue. It is still approximately five years at our disposal to look at the issue and, in the spirit of cooperation, good will and compromise, decide accordingly on it. Poland hopes, that delicately balanced deal achieved in Kampala will be finally accepted as a permanent solution some day after January 1, 2017.

Poland welcomes also the amendment to article 8 of the Statute as originally proposed by **Belgium**, expanding the existing provisions on war crimes related to some weapons to the conflicts of non-international character. This amendment reflects in general customary international law on this topic.

Mr. President,

The most serious crimes of international concern are already covered by the jurisdiction of the Court, namely the aggression, genocide, war crimes and crimes against humanity. Still the main task for all of us is to convince those states which are not yet states parties to the Rome Statute to join the family of ICC and **accept complementary jurisdiction of the Court as it is**.

Poland is of the view, that **universality of the Statute** as a target must maintain its absolutely crucial significance, over all other, even reasonable and useful proposals and aims.

Therefore Poland supports **pragmatic and very careful approach to the issue of other proposed amendments to the Statute.**

In this context we should not proceed hastily, since it is not a matter of urgency. First of all we need to concentrate on the process of ratification of those amendments adopted in Kampala in order to allow them to enter into force relatively quickly to have Rome Statute completed as it was intended in Rome in 1998. On the other hand it does not mean that systematic and gradual work should not be carried on as far as other proposed amendments are concerned. **Crime of terrorism** should be covered by the Rome Statute, in the Polish view that is our strategic task, but it would require a lot of efforts and some preliminary conditions should be met as well. One of them is completion of negotiations on a comprehensive draft international convention against terrorism, otherwise our goal on the issue could be limited and not overall. On the question of international **drug trafficking** to be included into the Rome Statute Poland remains to be not fully convinced that it is the best idea. Poland obviously understands the gravity of that crime and all its horrible consequences for our societies, however, if we would have a tendency to overload complementary jurisdiction of the Court with more and more crimes, we could quickly face the situation of a proliferation of the jurisdiction of the Court with other crimes which do not represent the same seriousness or gravity as the "traditional" international crimes do. Of course, it is up to the international community to identify progressively what are "the most serious crimes of international concern", but we should be very careful on this issue and not overload the Court with too many crimes which can be managed effectively at the national level.

Mr. President,

Poland has the honor to announce that this year, following our well established practice from many previous years, that it has made **two voluntary contributions**, namely for the **Trust Fund for Victims and LDCs fund**. Full participation of the representatives of the least developed countries in the sessions of this Assembly constitutes a significant part of our common success. Poland confirms that its financial support for the activities of the Trust Fund for Victims will remain one of our priorities also in the future.

On the question of the **proposed budget of the Court** for next year, Poland in principle supports the idea of stabilizing the budget at the level of 2010 expenditures. In our view the current budget of the Court does secure sufficiently all Court's activities.

Mr. President,

Eight years after entering into force of the Rome Statute we are, in general, satisfied with the activities of the Court. Poland hopes that the ICC responsibilities and role will be strengthened and extended for the benefit of the international community at large.

Poland, together with its partners from the European Union, will continue to make all possible efforts aimed at achieving **universality of the Rome Statute.**