



# CZECH REPUBLIC

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## **General Debate at the Review Conference of the Rome Statute of the International Criminal Court**

### **Statement by**

**H.E. Ms. Margita Fuchsová**

**Ambassador of the Czech Republic in Nairobi**

**Kampala, June 1, 2010**

Mr. President, Ladies and Gentlemen,

Let me begin by expressing our appreciation to all who participated in the preparation of the Review Conference, in particular to the Government of Uganda for hosting this major – if not milestone – event. The Czech Republic fully supports the statement made by Spain on behalf of the EU. In addition, we would like to make a few comments in our national capacity.

Even though the Czech Republic has supported the idea of international criminal justice from its very beginning, we became a State Party to the Rome Statute relatively recently, in 2009, after a careful examination of the entire mechanism of the International Criminal Court. Now we are with its other 110 States Parties and stakeholders here in Kampala, ready to discuss and cooperate on a vision of the future for the international criminal justice.

The road from Nuremberg to Kampala has been long and arduous, but the road from tyranny towards a stable, prosperous, peaceful and human rights based society – experienced by the Czech Republic itself - is even longer and more difficult. Over the past decades, we have learned three important things: first, that an efficient, independent justice system and reconciliation are two vital factors in ensuring accountability for past human rights abuses. Establishing the rule of law is, therefore, an essential part of any transition process. Second, in today's world, national legal orders can no longer be understood as stand-alone systems. Each of them needs to be somehow fitted into the international legal order in which international institutions play a key role. These institutions, such as the ICC, are not here to replace States, but rather to enable them to work more efficiently towards their common objectives. Third, the protection of human rights is - at least in our view – one of the basic purposes of international law and concerns the international community as a whole. While the domestic response to the most serious human rights violations has not always been satisfactory, in the past 15 years, we have also learned that international mechanisms have their limitations as well.

Undoubtedly, the International Criminal Court constitutes an entirely new chapter in the evolution of international criminal law and human rights law. Although the ICC forms the heart of international criminal justice, it is just one part of the system in which the *ad hoc*

tribunals have played so far a dominant role. The Czech Republic has been one of the loyal supporters of the *ad hoc* tribunals since their establishment and, e.g., is among those States which concluded with the UN an agreement for the loan of prison staff to the International Tribunal for Former Yugoslavia. Therefore, it is important not to forget and to further develop such good experience and practice.

The Czech Republic believes that the international criminal justice system should play a stronger role in peacebuilding activities. The cooperation between States, civil society, the ICC, the Peacebuilding Commission, the Security Council, international financial institutions and regional organizations should be further intensified. For this reason, we welcome the proposal to strengthen the enforcement of sentences that will be discussed here at a later stage. Furthermore, justice must be done; justice must be seen to be done and justice must be more reparative in focus. Justice is a factor essential to the success of any peacebuilding activity. One of the key challenges to the international criminal system is the victims' participation and their reparation. Our discussion on the key issues of the stocktaking exercise will be a great opportunity to strengthen the international criminal justice system.

The ICC is a relatively young institution with big ambitions which may, from time to time, encounter many different obstacles. The ICC, however, does not work in a vacuum; it is part of an international system which is working, dynamic and pluralistic. Our common aim is to protect the independence of the judicial power on the international level. At this stage, we should give the Court some time to consolidate, and should not overburden it by adding even more difficult tasks to its agenda. Without the universal participation of States, the Court would never be able to fulfill its role, and this we will need to have in mind during the discussion on the amendments. With regard to the crime of aggression, the Czech Republic believes that it is already a crime under customary international law. Its definition cannot weaken the contemporary institutes of international law, such as the Responsibility to Protect. The Security Council has primary responsibility for the maintenance of international peace and security under the UN Charter. The primary responsibility, however, does not mean an exclusive power to decide whether an act of aggression has been committed. With regard to the Belgian proposal, the Czech Republic shares the view that the proposed crimes are part of customary international law, but some aspects – such as using bullets which expand or flatten easily in the human body in the context of law enforcement activities – require further discussion.

Finally, the Czech Republic would like to stress that the International Criminal Court is here not to be a substitute for the responsibility of States, but rather to enable States to bear their responsibility themselves. The principle of complementarity and promotion of the rule of law on the national level is a very important aim for us - States - and for the ICC itself. The cooperation in outreach activities is a very important step forward in promoting our common value - that impunity is unacceptable; and this must be our common objective.

Mr. President,

Allow me to conclude with a pledge on behalf of the Czech Republic: we will start the accession process to the Agreement on Privileges and Immunities of the International Criminal Court by the end of 2010.

Thank you.