



STATEMENT BY
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REVIEW CONFERENCE OF THE ROME STATUTE OF
THE INTERNATIONAL CRIMINAL COURT

KAMPALA, REPUBLIC OF UGANDA

1ST JUNE, 2010

**Your Excellency Ambassador Christian Wenaweser, President of the
Assembly of State Parties to the Rome Statute of the International Criminal
Court,
Distinguished Dignitaries,
Delegates,
Ladies and Gentlemen.**

Mr. President,

Let me join others in thanking the Government and the People of the Republic of Uganda, for the warm African hospitality that has been extended to us, since our arrival in this beautiful city of Kampala.

Mr. President,

It gives me great pleasure to participate in this first Review Conference of the Assembly of State Parties to the Rome Statute of the International Criminal Court. This Conference presents us with an opportunity to critically review the activities of the Court and address the challenges that face it. We note with appreciation that despite its short life, the Court's influence has extended beyond its confines. The Court's activities feature in the agendas of other continental, regional and sub-regional organizations as well as organs of the United Nations. It therefore behoves us all to ensure that we support the activities of the Court in all respects, so that it may be able to discharge its mandate effectively. The Court, being the first Permanent International Criminal Institution has a daunting task of developing international criminal law jurisprudence.

Mr. President,

I will confine my address to the following issues; amendment proposal on the Crime of Aggression, the Relationship of the Court with the United Nations Security Council, Stocktaking of International Criminal Justice, Victim Participation in the Legal Proceedings before the Court, as well as the question of Universality of the Rome Statute.

Mr. President,

As I raise the issue of the amendment proposal on the Crime of Aggression, it is befitting that I pay tribute to you as former chairman of the Special Working Group on the Crime of Aggression, as well as your successor, His Royal Highness Prince Zeid Ra'ad Al Hussein, for your tireless efforts in steering the affairs of the Working Group. Needless to mention, the seriousness with which all delegations consider the crime of aggression. This is so because of its sensitivities. This subject must be approached with balanced thinking, premised on the documents produced by the Working Group since 2003. In this way, we hope we shall be able to reach a consensus on this issue.

A very critical issue to be determined is the question of the conditions for exercise of jurisdiction by the Court in respect of aggression. We note that Article 5 of the Rome Statute grants the Court jurisdiction over the Crime of Aggression, but decisive powers remain conferred on the Security Council to make a determination over the instances where aggression has been committed. This in our view gives limited powers to the Court and tampers with its judicial independence. We therefore, advocate that the United Nations Security Council should not be granted exclusive powers to make a determination on whether aggression has been committed or not, before the Court can exercise its jurisdiction in respect of the crime. In this way, the jurisdiction of the Court in respect of the crime of aggression will be similar as with other crimes provided for by the Statute.

Mr. President,

I will approach the question of the relationship of the Court with the United Nations Security Council, from a perspective of a well established principle of law, namely, the Independence of the Judiciary. The Court is but an element, albeit a vital one, of the international system established by states to regulate relations among its constituents and to secure the foundations of justice and peace which can provide redress to victims and hope for a better future. In order to achieve this golden role, the independence of the judiciary should be guaranteed and it is the duty of all State Parties and international organizations, including the United Nations to respect and observe the independence of this judicial body. In the exercise of its judicial mandate, the court should not be subjected to any interference by any organ of the UN and or any State. This would guarantee impartiality of the court and enhance its integrity and respect for its judicial decisions; above all, it would instill international confidence in the court.

Mr. President,

This brings me to another important component of this conference, that of Stocktaking of International Criminal Justice. In our view this is a very timely and useful exercise, since the topics to be discussed are very relevant in assessing the work of the Court in promoting International Criminal Justice system and its positive development. We consider the selected topics, namely; Complementarity, Cooperation, Peace and Justice as well as Victims and affected Communities as worthy of discussion by delegations in this Conference. We therefore, look forward to fruitful and active participation by all delegations in the Panel discussions on the respective topics. We believe that the outcomes of these discussions will go a long way in further strengthening the Court.

Mr. President,

Concerning Participation of Victims in the Court's legal proceedings, my delegation is pleased to note that the Principle of Victim Participation in Court Proceedings is being put into practice. To involve those directly affected by crimes in the proceedings against suspected criminals is crucial and will have a positive impact on the affected communities.

Mr. President,

Finally, on the question of the Universality of the Rome Statute, the establishment of the International Criminal Court has filled a void in the International Legal and Political system. There is no doubt that the perpetration of crimes against humanity; war crimes and genocide pose a threat to international peace and security. Without putting an end to impunity, it is impossible to secure durable peace. This is why efforts must be undertaken to grant a truly universal character to the Court.

We welcome the recent ratification of the Rome Statute by Bangladesh, thus bringing a number of State Parties to 111. We call on more States to ratify or accede to the Rome Statute in the near future.

Thank you