

**THE SPEECH OF H.E. MIRAŠ RADOVIĆ,
MINISTER OF JUSTICE OF MONTENEGRO,
REVIEW CONFERENCE ON THE ROME STATUTE,
UGANDA, JUNE 2010**

Respected Mr. President,
Excellencies,
Ladies and Gentlemen,

It is my great privilege and pleasure to thank the United Nations and the President of the Assembly of the State Parties to the Roma Statute, on behalf of Montenegro, for the invitation, as well as the state of Uganda for the warm welcome, and to express support for the Review Conference on the Rome Statute in Kampala.

Allow me, before presenting the position of our country on the topics under this multilateral discussion, to reaffirm the commitment of Montenegro to cultivation, protection and promotion of the universal values of the contemporary world of which the most prominent ones are human rights and freedoms, peace, the principles of humanity and punishment for the offenders of the most serious crimes.

It has been for some time since the dissolution of the former Yugoslavia that Montenegro demonstrates its commitment to the common heritage of the mankind as a whole, primarily at the national level. Montenegrin ship had been riding through the storm of the reconfiguration in the Balkans until reaching the safe port of its independence and prosperity on 21 May 2006. For many people, Montenegro was indeed a salvage ship: Montenegro provided a shelter for tens of thousands of the refugees from our neighboring states.

Being a democratic society and a reliable state, and within its jurisdiction and jurisprudence, Montenegro made every effort to bring all the violations of the principles of the humanitarian law and the law of war either before its national courts of justice or before the Tribunal in the Hague, the institution Montenegro has closely and intensively cooperated with since its establishment. We indeed have succeeded in saving every case from the oblivion and provided no excuses for crimes, made no offender be above the law, no victim stay without respect and satisfaction.

When it comes to cooperation between Montenegro and the International Criminal Court, Montenegro has been a State Party to the Rome Statute since 2001. Having reformed its criminal legislation by amending the existing laws and adopting new ones, Montenegro harmonised its legal framework with the substantive law provisions provided for in the Rome Statute.

The Criminal Code of Montenegro incorporates Articles 6, 7 and 8 of the Rome Statute referring to genocide, crimes against humanity and war crimes.

We will use this chance to point out that Montenegro, when ratifying the Rome Statute, did not declare that it did not accept the jurisdiction of the Court with respect to the category of cases referred to in Article 124 of the Statute. Besides, Montenegrin criminal legislation defines the body of the separate criminal offence of aggressive war, defines the employment of the prohibited materials and methods of warfare as a separate criminal offence, also defining the other criminal offences from the same corpus, thus showing its clear commitment to suppressing the employment of these methods in war operations.

We draw your attention to the fact that Montenegro is a State Party to a number of relevant international instruments in the areas of humanitarian law, law of war and security, which all support the provisions of the Rome Statute.

Beside the agreement to cooperate in terms of substantive law, State Parties to the Rome Statute assumed the obligation to define cooperation with the International Criminal Court in terms of procedural law. Montenegro fulfilled this imposed obligation by adopting the Law on Cooperation with the International Criminal Court in 2009, thus confirming its readiness for meeting all the obligations arising from the Rome Statute.

This Conference is a suitable occasion for us to express our support for the needs and aspirations towards the suppression of the most serious crimes committed against the fundamental values of our world. We must be committed to implementing norms prescribed in the Rome Statute as well as to improving the work of the International Criminal Court, bearing in mind the fact that this court should be competent to guarantee the protection against serious violations of the humanitarian law.

By their accession to the Rome Statute, State Parties agreed that all crimes listed in Article 5 of the Statute together with the crime of aggression with unfinished disposition should fall under the jurisdiction of the International Criminal Court.

Taking the position that the act of aggression undoubtedly represents the attack on peace which is enshrined in the UN Resolution 3314 in line with the UN Charter, we share the opinion that the task of defining aggression in terms of criminal law is delicate and that it is a real legal challenge to prescribe the essence of the very crime, the offenders and the criteria of the criminal liability.

It is our opinion that the employment of the prohibited methods in warfare should be liable to punishment, no matter whether it is an international conflict or not.

Bearing in mind that the main contributors should be the states themselves, and in line with the principle of subsidiarity governing the International Criminal Court, we remain committed to the further improvement of the Montenegrin legislation and judiciary system regarding the topical issues of this Conference.

At the same time, we express the need for demonstrating the unity in setting and meeting objectives that are truly attainable in this very moment, regarding the improvement of the Rome Statute and its effective implementation.