



THE REPUBLIC OF POLAND

STATEMENT

**BY H.E.MR.MACIEJ SZPUNAR, UNDER-SECRETARY OF STATE,
THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF POLAND**

**in the general debate of the Review Conference of the Rome Statute
of the International Criminal Court,**

Kampala, June 1st, 2010.

Mr. President, Excellencies, Distinguished Delegates

Almost 12 years ago, in Rome, we opened a new chapter in the development of international criminal justice. Adoption of the Rome Statute of the International Criminal Court confirmed an overwhelming will of international community to supplement domestic criminal jurisdiction of states over the most serious international crimes by a permanent, full-time, independent judicial institution. Today we are meeting here at the first Review Conference of the Rome Statute in order to make the jurisdiction of the Court more complete and effective. **Our principal aim remains the same – it is achieving universality of the Rome Statute.** As of today already 111 states from all regions of the world are parties to the Statute. Poland hopes that one day, not in a very far away future, the Court will become truly universal. It is expected by world public opinion, civil societies and almost each and every individual living on this planet.

Mr. President,

Poland avails itself of this opportunity to express its gratitude to the Authorities of Uganda and the Ugandan people for hosting this Conference and their kind hospitality.

We are gathering in Kampala, Uganda, in the heart of Africa on the shore of the African internal sea, the Victoria lake. **African states constitute the most represented regional group among the states parties to the Statute. However it should be pointed out very strongly, that the Court has not been established by one group of states for another group of states. We have established the Court for ourselves, equally and in full effect for all of us as well as for those states which are still considering accession to the Statute. We have established it for justice, peace and security of mankind.**

Although the ICC is a relatively new institution, it has proved that it is in a position to carry out in an efficient and independent way very complex investigations which would have gone - most probably – unpunished if the ICC had not intervened. As a matter of fact the relatively low number of proposals for amendments which will be considered by this first Review Conference shows that the Rome Statute constitutes a good basis for the Court to function well and effectively. We should not forget that the ICC is a court of last resort. Primarily, it is the duty of each and every state to exercise its jurisdiction over the crimes of genocide, crimes against humanity and war crimes. Therefore it is of utmost importance to ensure that what we have established as international standard in the Rome Statute would be also duly reflected under our domestic legal systems. The first Review Conference creates a great opportunity for us to assess not only the provisions of the Rome Statute, but also to review domestic legislation. These are national courts to be the first to bring to justice those responsible for the crimes covered by the Rome Statute.

In order to make sure that all the crimes established by the Rome Statute are fully reflected in Polish law, the Parliament has recently adopted amendments to the Penal Code. After entry into force of the new law, the crime of crime of genocide, crimes against humanity and war crimes as defined in the Rome Statute will be also a part of Polish legal system.

In this context I would also like to stress that we shall be rather prudent in extending further in the future art. 5 of the Rome Statute by introducing new crimes. This might lead to overburdening of the Court. Instead we should rather make every effort to fight those crimes of international concern

which are not covered by the Rome Statute at domestic level including by making use of extradition treaties and other legal instruments on international cooperation.

Mr. President,

Poland in principle supports the definition of the crime of aggression and its elements as prepared and proposed by the Special Working Group of the Assembly of States Parties. We understand that they reflect a wide compromise to be acceptable by all of us. The question of exercising the jurisdiction of the Court in the case when UN Security Council does not make a determination of an act of aggression requires closer consideration, since it generates legal as well as political issues. In this context Poland is open to consider and finally accept any reasonable solution. Such a solution, on one hand, has to respect the independency of the Court and, on the other, rights powers of the Security Council as provided in the UN Charter. **Poland therefore is devoted to work with other states to find an acceptable formula to this end (including the so-called "menu approach") and finally reach consensus on that sensitive issue.**

Mr. President,

Poland stands firmly in support of international criminal justice, in which the ICC plays a vital role. We participated in preparatory work to establish the Court in the nineties as well as in its founding in 1998 and will continuously make all possible efforts to make the Court more effective and universal. **We take it as our moral and political duty.**

We deeply believe that further development of international criminal justice, including the ICC, is settled and sealed. Dreams of many generations of academics, politicians, lawyers as well as ordinary people came true. How strong and effective the jurisdiction and activities of the Court will be, still depends to the great extent, on us - members of international community. Poland stands ready to support and promote International Criminal Court together with its partners from the European Union as well as all other countries, non-governmental organizations and individuals. **Justice and the rule of law must prevail regardless of any other reason.**

I thank you for your attention.