



GREECE

**Fifth Session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court
The Hague, 23 November - 1 December 2006**

General Debate

Statement by

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Mr. President,

I would like, first of all, to state that my delegation fully subscribes to the statement made by the Finnish Presidency on behalf of the European Union.

Mr. President,

It is a great pleasure for this delegation to address the Fifth Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court in the context of this general debate, the significance of which, especially under the present circumstances, cannot be overemphasized.

This, Mr. Chairman, has been a landmark year for the Court for many reasons.

Indeed, five years is already a substantial period of time for the Court's existence. Almost all of the ground work has been laid. The rhythm of functioning looks more and more stabilized while normalcy and predictability are being established in the day to day work of the Court.

The only major issue which remains unsettled is that of Court's premises. While there are high hopes that the issue of permanent premises will find its way to a solution during this session of the Assembly of States Parties, the question of additional interim premises seems to be revolving around itself. It is imperative that all efforts be exerted so that a solution be found as soon as possible.

Regarding the all important question of the substantive work of the Court, the fact that the bringing of the first case to trial is firmly within view certainly causes great satisfaction to us. This is a turning point for the

Court which now sees the materialization of the goals for which it was established.

Regarding the other cases and despite the difficulties which are understandable and could be anticipated, we believe that there is progress, the pace of which the Court must maintain. In so doing, the Court has of course every right to expect that it will be assisted and supported by all those that can offer such assistance and support in this difficult process which involves some of the most problematic situations in the world.

Mr. Chairman,

My delegation would not like to miss this opportunity to address an issue which has recently generated extremely important and difficult discussions in various fora.

What I am referring to is the apparent dilemma between justice on the one hand and peace and security on the other which seems to bring the Court into some sort of competition or, even more significantly, view it as a potential obstacle to the attainment of peace and security. This is a very dangerous idea that could undermine the very roots of the fight against impunity embodied in the Rome Statute.

On our side we believe that, despite appearances, this is a pseudo-dilemma which cannot stand to in-depth scrutiny. First, because it is not at all certain that impunity will secure peace and security. Second, because it does not take into account the power of the judicial process to heal the scars which have been inflicted on individuals and peoples by the crimes committed in dark periods of their history and which would otherwise remain there to haunt them for generations. And third, because it overlooks the deterrent value of the Court –this dimension has always been in the minds of those who put forward the idea of its establishment and in reality constitutes its ultimate goal.

Having said all the above Mr. President, we feel that another aspect of the circumstances surrounding the Court's development into full functionality should be given attention. We believe, indeed, that whatever those circumstances and whatever the situations the Court is confronted

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with, the perception of its role should remain unchanged in its primordial function to prosecute the perpetrators of crimes falling within its jurisdiction. This means that although the Court is naturally expected to have a positive effect on the resolution of any conflict in the context of which such crimes were committed, it should in no way be used or turned into an instrument ~~for the settlement of international or national disputes.~~ The Court is not meant to be a prime actor in such a process and, furthermore, it should not be used as an excuse for not taking action where such action is needed. Indeed, the Court is not a substitute for the effort that should be undertaken by the international community, always in conformity with international law, to restore peace and security in troubled areas of the planet. Attributing such a role to it risks not only the efficacy of the Court but also its ability to deal with the situations it should be dealing with.

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Thank you, Mr ^{President} ~~Chairman~~
