

CHECK AGAINST DELIVERY

STATEMENT

BY THE DELEGATION OF THE SUDAN, AS OBSERVER,
TO THE 5TH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT, THE HAGUE, 23RD
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Mr. President,

I am honored to address the 5th Session of the Assembly of States Parties to the ICC. Allow me, Mr. President, to express appreciation to you and to the members of the Bureau for the able manner you have shown in steering the work of the Assembly during the past period, and to wish you well in your endeavors this Session.

Mr. President,

Sudan had been actively involved in the negotiation process that led to the establishment of the International Criminal Court. This positive engagement stemmed from a strong conviction of the need to create an International legal body that responds to the realities of international relations and strictly follow the established principles of international law, especially those pertaining to the rule of law and equality. The Court was perfectly designed to perform in accordance with the fundamental standards of due process and to pursue its entrusted duties with impartiality and effectiveness.

It is important at this juncture of the Court's evolution as a legal forum to independently apply justice in a fair and even-handed manner thereby contributing to the creation of a solid International Criminal Justice system. Hence, the Court must be shielded and protected from negative political influences from powers and agencies external to it.

Many of us have earlier cautioned against giving a political entity the ability to influence the Court in a manner that would affect its independence. Unfortunately, the Security Council did just that. Its resolution 1422 adopted on 12 July 2002 stands as a clear manifestation of this serious flaw. This undoubtedly attests to the role taken by the UNSC to override international treaties. Eventually, attempts by some powers to undermine the Court are heavily felt.

The priority of States Parties lies in addressing the repercussions of the sensitive relation between the two bodies. A healthy relation would exist when the Security Council is appropriately reformed and the mechanism establishing the relation between the two bodies is reformed as well. In this context, the International Court of Justice stands to be a pertinent example of relevance, and a model to be followed in this regard with necessary modifications pertaining to the particular role of each of the two legal bodies. Independence of such legal institutions is indispensable.

Mr. President,

The intense feeling of remorse and guilt for past heinous crimes, combined by political motivation, have been the driving force to bring some controversial cases before the Court without conclusive and solid legal grounds. Let us ask ourselves the question: Why would it be easily possible for the UNSC to refer the situation in Darfur, for example, for consideration by the Court, while the same UNSC finds it almost totally impossible to condemn the documented, grave, and massive crimes committed by Israel in Bait Hanoon? Emotional and political motivations and double standards are both prime enemies of the Court.

Mr. President,

Against this background, the resolution by the Security Council referring the situation in Darfur to the International Criminal Court was, by and large, influenced by political considerations. The resolution came within a series of resolutions aiming at putting pressure on Government of the Sudan.

Some powers that were campaigning against the Sudan in the Council were not genuinely interested in bringing about justice. To the contrary, they were known for their firm opposition to the Court.

Despite all of the above, the Government of the Sudan has begun an intensive process of consultation and cooperation with the Court. Various delegations sent by the Court attest to the degree of this cooperation. The Prosecutor has confirmed in his statement of yesterday before this august body that the delegations sent by the Court were given the opportunity to put questions to the armed forces, meet representatives of local judicial and investigative mechanisms, including judges and prosecutors dealing with events in Darfur as well as measures taken by the Government for compensation.

The Court has also had the opportunity to see how the judiciary in the Sudan enjoys a long-standing heritage of independence and integrity, to the extent of challenging any biased political conclusions to the contrary. This fact comes to consolidate the principle of complementarity as well as saving efforts and resources.

Needless to say, that the principle of complementarity constitutes the core premise of the Court which gives primacy to national jurisdictions. In this context the National Special Court for Darfur and the two sub-regional Courts in Genaina and Nyala which were established to investigate and try alleged cases of violations of international humanitarian law, is a clear manifestation of the will and ability of the Sudan to fight impunity

Mr. President,

The Government of National Unity in the Sudan will spare no effort in continuing to establish the rule of law and justice through the mechanisms set up in the Darfur Peace Agreement. This effort will be combined with activating the widely accepted traditional mechanisms of dispute settlement. Practical steps were recently taken in the direction of launching the Darfur-Darfur Dialogue which will eventually trigger the captioned traditional mechanisms of dispute settlement. All these measures would positively contribute to the sustenance of peace in Darfur, which is the only concrete reality that brings justice and stability.

Thank you Mr. President.