

ROYAL DANISH EMBASSY

The Hague

Statement by

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Ambassador of Denmark



STATEMENT BY DENMARK

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Statute of the International Criminal Court**

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Madam President,

Allow me at the onset to say that Denmark fully aligns herself with the statement given by Cyprus on behalf of the European Union.

Madam President,

On 1 July 2002, the Rome Statute of the International Criminal Court entered into force, giving birth to the world's first permanent international court to prosecute war crimes, crimes against humanity, genocide and the crime of aggression. Today, ten years later 121 nations have joined the Rome Statute and the Court is active in a growing number of countries where these crimes have been committed. The Court is a reality and influences our work and thinking. These achievements which we have made together in the fight against impunity are indeed a reason to celebrate. And on this note I want to thank the host state, the Kingdom of the Netherlands, and all other governments involved, for their generous contributions to marking this very important milestone.

As a result of our joint achievements the number of judicial proceedings is rapidly increasing, and in March of this year the Court delivered its first judgment in the case of Mr. Lubanga Dyilo. The verdict was a milestone in the fight against impunity, in particular in relation to the crime of enlisting and conscripting child soldiers. The proceedings in the Lubanga case were also of profound importance for the international criminal justice system in laying down important principles for victim participation and modalities for reparations which is a unique aspect of the Rome Statute.

We anticipate that the Court will soon deliver additional judgments and make progress with its preliminary examinations. This further underscores that the ICC has indeed become the centerpiece of our international criminal justice efforts. It also highlights the need to ensure that the Court has sufficient resources to fully implement its mandate in all situations under its jurisdiction.

The Court's central role in the international justice system can also be seen in the fact that the UN Security Council has now twice referred a situation to the Court. In this context, the Council's support to the ICC to fulfill its tasks as an independent, judicial institution is of crucial importance. Once the Council mandates the Court, it sends a strong signal to the world that the international community will not tolerate impunity for atrocities. Justice will be done. This message must be emphasized wherever relevant and for all parties to a given conflict, including in relation to the situation in Syria, where those responsible for such crimes -- on both sides of the conflict -- must be held accountable.

These referrals and the issues that have arisen since, underscore why the relationship between the Court and the Security Council needs to be further developed. Denmark welcomes the process initiated by the Guatemalan Presidency of the Security Council last month in this regard. Further discussions will help us to establish what additional elements need to be included in Security Council referrals to facilitate their successful implementation.

Madam President,

While the Court has truly come a long way, and while we are proudly celebrating its tenth anniversary, the Court continues to face serious challenges.

One of the serious challenges to the effective functioning of the ICC is the issue of non-cooperation. A series of arrest warrants remain to be executed and this is due in part to non-cooperation. Some of these arrest warrants date back more than half a decade. If unaddressed it risks seriously undermining the credibility of our commitment to fight impunity and the overall preventive purpose of the Court and the Rome Statute.

Denmark welcomed and supported the measures adopted at the 10th ASP that provide a platform for the President of the ASP and the Bureau to address non-cooperation. However, we believe that there is still room and need for measures to be taken at both the national and regional level to ensure that all States meet their obligations under the Statute and urge all States to redouble their efforts in this area. In this regard we look forward to the plenary session on cooperation where we hope for a fruitful exchange in order to make further progress.

Madam President,

As we all know, at the core of the Rome Statute system is the principle of complementarity: It is the States that have the primary responsibility to investigate and prosecute ICC crimes. The Court is a Court of last resort. But in some instances States willing to genuinely prosecute Rome Statute crimes lack the resources and capacity to do so for such complex and large-scale crimes.

Denmark as well as many other States Parties has a long history of supporting the development of national rule of law institutions through technical assistance. On this occasion, we again take the opportunity to invite other States Parties to consider in the context of the ASP how their assistance can contribute to fighting impunity for the most

serious international crimes. Complementarity concerns bilateral and multilateral assistance efforts building capacity as well as political encouragement.

Evidently neither the Court nor the Assembly are rule of law actors or development institutions. Yet there is a very important role for these bodies to play, including the secretariat of the Assembly, in furthering efforts aimed at catalyzing and supporting domestic prosecution of Rome Statute crimes and bridging existing impunity gaps. Also specific projects, such as the Legal Tools which Denmark will give a significant contribution to, add to these efforts. As the custodian of the Statute however, the responsibility lies with the Assembly and its States Parties in ensuring that both the international and the national parts of the Rome Statute system of international criminal justice function as effectively as possible.

Together with our co-focal point on complementarity South Africa we look forward to the plenary session on Monday where this topic will be discussed comprehensively.

Madam President,

Let me conclude by reaffirming Denmark's unwavering commitment to the International Criminal Court and the Rome Statute system. Promoting universal ratification of the Rome Statute remains a key priority in this regard. Denmark recognizes and commends the important advocacy work being carried out by the international community in this field, in particular that of international NGO's, and continues to support it. Let us all continue to work together to ensure that impunity gaps do not develop. And if they do – work together to close them.

Thank you, Madame President.