

*Ambasciata ta' Malta*



*Embassy of Malta*

Statement

by

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General Debate

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International Criminal Court

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Madame President,  
Excellencies,  
Distinguished Delegates,

At the outset, my Delegation extends to you, Madame President, its congratulations and commitment to continue working and supporting you during this Eleventh session and during your term in office and wishes you every success in your task ahead. May I also warmly congratulate Judge Song on his successful re-election as President of the ICC.

I would also like to take this opportunity to pay tribute to the excellent work performed by the first ICC Prosecutor Luis Moreno-Campo in the field of international criminal justice and congratulate the new Prosecutor Ms Fatou Bensouda to whom I extend my government's full support in the carrying out of her mandate.

The establishment of the International Criminal Court (ICC) under the Rome Statute of 1998 was a milestone in the development of international criminal law. It signalled a new coming together, internationally, to confront the worst crimes known to mankind, that in recent years have deeply shocked the international community and left a deep scar on humanity's consciousness.

Malta supports the universality and the integrity of the Rome Statute and the widest possible participation in it, in the interests of International Criminal Law. Malta supports the independence of the ICC and its effective and efficient functioning, and supports the implementation of the concept of complementarity as a core principle underpinning the system.

This year marks the tenth anniversary of the entry into force of the Rome Statute and is therefore a milestone in the development of the Court. In these ten years, the Court has made steady progress in the difficult task of transforming the aspirations of the Statute into reality.

The past couple of years have thrown into stark relief the enormous challenges that lie ahead. The International Criminal Court has increasingly come to symbolize a beacon for justice. This is a heightened profile which carries with it key challenges.

First, as expectations for justice have increased, so too has the gap between these expectations and the ICC's delivery of justice. The expansion in caseload responds to very real accountability needs that crop up, however limits in the ICC's universality and capacity threaten to disappoint expectations and leave significant impunity gaps.

Second, the ICC's heightened profile also carries with it a risk of the Court being politicized. However, justice delivered by the ICC is an end in its own right. The ICC should be allowed to operate independently and without interference, regardless of shifting political considerations. The ICC should never be politicised.

Limited progress in the Court's existing caseload can hinder its ability to respond to new demands. Therefore, the Court's delivery has to be improved to ensure that justice is meaningful and credible, leaving less room for the Court's detractors.

This can pose challenges. How should the Court balance the sustained and deep engagement necessary to carry out its mandate, while it being called upon to intervene in more and more situations when crimes are committed?

Efforts at answering this question are, in turn, hindered principally by the severe financial constraints many countries are facing at present due to a persistent global economic crisis. For some states, this entails a constant insistence that the Court's requested budget shrinks. Essential notions in areas considered to be critical to helping the ICC and the Rome Statute system meet the challenges before it – such as cooperation, complementarity, and impact and outreach – have increasingly been drowned out and distorted by a drive toward cost-cutting. These developments are contributing to weakening the Court's ability to meet the challenges before it.

In the context of the budgetary constraints being faced by the Court, in order to ensure that it can carry out its strategic priorities and meet its objectives in the new context, it is advisable to revisit the budget process and to achieve coherence with the overall strategic planning process, which is actually a pre-requisite to the sustainability of the longer-term strategic plan. While every remit of the ICC is important, the financial reality we live in forces us to look closely at our priorities in order to make the best use of the funds available.

My Government strongly believes that in the light of the challenges being faced, the ICC is in need of States to recall and to re-commit to the highest ends to which the Court aims: a check against immunity; delivery of meaningful justice to victims of the world's worst crimes; and assisting affected communities including by deterring future crimes and encouraging accountability. As stated by the President of the ICC, "preventing grave crimes and combating impunity is a shared interest of the entire international community."

Malta firmly believes that there are several areas where states can effectively help shore up the ICC to meet the challenges it now faces, which go beyond ensuring that the Court has sufficient resources to meet its mandate of delivering meaningful justice, increasing cooperation (including diplomatic and political support) and responding to instances of non-cooperation in a more systematic way, and improving efforts to assist national authorities through complementarity initiatives.

In conclusion, my Delegation associates itself with the statement delivered earlier on by Cyprus on behalf of the European Union and its Member States.