



Statement of H.E. Enayatullah Nabel, Ambassador of the Islamic
Republic of Afghanistan to the Kingdom of the Netherlands
Twelfth Session of the Assembly of State Parties to the Rome
Statute

The Hague, 21 November 2013

Madam President, Your Excellencies,

Ladies and Gentlemen,

Allow me to congratulate you for the excellent stewardship of this important gathering. Let me assure you of full cooperation and support of my delegation in the discharge of your mandate. I am confident that under your wise and able stewardship the Assembly will successfully conclude its session.

Madam President,

Experiencing over three decades of war and being victim of war crimes, crimes against humanity and crime of aggression, we see the adoption of the Rome Statute, 15 years ago, as a historic achievement and a successful step forward toward bringing justice to victims of atrocities and heinous crimes. The Statute is an effective instrument for ending culture of impunity and a strong deterrence force to warn the criminals. It is our moral and legal responsibility to take all necessary measures at the national, regional and international levels for its full implementation. We express our unequivocal support for the Statute, to the International Criminal Court and the evolving system of international criminal justice. In our region, except Tajikistan, Afghanistan is the only country that has ratified the Rome Statute.

Madam President,

To achieve the goals of the Statute and for the full realization of the lofty ideals of this important international instrument, we need to broaden the reach of ICC. It is very unfortunate to see that many countries that are sharing our commitments in fighting impunity, protecting victims of war crimes and crimes against humanity and bringing justice to them, have not joined us, and have not acceded to this important international instrument. We hope that in the interest of peace, justice and universality, these countries, through accession to the Statute, convey to those committing war crimes and crimes against humanity, that the entire world is united in the fight against them. Joining of countries, that have not done yet, to the Statute will be a warning to those in power, that from now, can no longer ignore shadow of international and criminal justice. By standing together and by showing determination that no crime will go unpunished, we will give the message that, days of reckless decision making and gross violations of human rights are over.

Madam President,

It is true that complementarity is one of the important principles of the Statute. But as a matter of principle and as an obligation, it is first and foremost the duty of national courts to effectively investigate, prosecute and punish the perpetrators of the most serious crimes of international concern. The ICC should step and exercise power of its jurisdiction as complementary to national criminal jurisdictions, only when the state fails in its duty, or is not willing to fulfill it. Therefore, in order to enable the national

courts to effectively investigate, prosecute and punish perpetrators of the crimes, the capacity of national court systems should be enhanced to function in an effective manner.

Madam President,

Before concluding my remarks, let me add that, peace and justice are the two sides of a coin. One can't be achieved without the other. In Afghanistan while we are tirelessly striving to build an effective judicial system, protect our citizens from atrocities of criminals, and bring justice to victims, the crimes of aggression by criminal bands trained and armed outside of our country is ongoing, against our people. We therefore call upon all countries, whether they are a party to the Rome Statute or not, to be conscious of their moral and legal responsibilities under the Charter of the United Nations and international accepted norms, to not allow such bands to operate in their territories, deprive them of freedom of movement and do not allow their nationals to provide support, including financial support, to such criminal gangs, instead identify those who are behind these crimes and their supporters and bring them to justice.

Thank you for your attention.