



**Embassy of the Republic of Serbia
The Hague**

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STATEMENT

**by H.E. Mr. Petar Vico,
Ambassador Extraordinary and Plenipotentiary of
the Republic of Serbia to the Kingdom of the Netherlands**

**AT THE GENERAL DEBATE OF THE 12TH SESSION OF THE
ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT**

21 November 2013

Madam President,
Distinguished Representatives of the Court,
Distinguished Delegates,
Ladies and Gentlemen,

I am honoured to address the Assembly of States Parties on behalf of the Government of the Republic of Serbia, and, at the outset of my presentation, to align with the statement made by the distinguished representative of Lithuania, on behalf of the European Union.

Madam President,

The adoption of the Rome Statute fifteen years ago and its entry into force in 2002 was welcomed by the Government of Serbia as one of the most important events in international law since the establishment of the United Nations. Indeed, Serbia firmly believed and still believes that the International Criminal Court, as a permanent and independent judicial authority based on free will of its States Parties, must put an end to impunity of those who are the most responsible for serious violations of international humanitarian law, and thus significantly contribute to the prevention of atrocities worldwide.

To reach this aim, the Court must necessarily rely on the continuous cooperation of its States Parties. In that regard, Serbia has come a long way in cooperation with one of the Court's predecessors - the International Criminal Tribunal for the former Yugoslavia. After many years of international criticism and various political conditions, the Government of Serbia has reached a level of full cooperation, characterized by smooth compliance with numerous requests for assistance submitted by the parties, as well as by the status without fugitives. Although Serbian people were not always satisfied with the judgments and decisions of the ICTY, the Government keeps a due legal respect for them. Serbia has never challenged its international obligation to cooperate fully with the Tribunal.

Yet, the historical significance of those efforts made by the Government of Serbia, which, *inter alia*, include the surrender of two former presidents, will not be determined only by the final scores of the ICTY criminal proceedings, but also by the conduct of the States Parties to the Rome Statute who are now invited to do the same: to surrender those who are wanted by this Court. The position of Serbia is clear: *Pacta sunt servanda*. This is not only the

treaty obligation that exists among the States Parties to the Rome Statute; this is our joint duty to the victims of the most serious crimes.

Furthermore, I would like to add that the efforts made by the Government of Serbia should also be evaluated in the light of the number of States who are today still hesitant to join the Rome Statute. This is, in our view, one of the biggest challenges for the ICC system, together with the problem of non-cooperation. Justice cannot suffer selectivity: all victims, whatever their nationality is, deserve full respect and the proper reaction of international community, no matter where and by whom the crimes were committed. No one remains above the law.

Madam President,

Allow me to assure you that Serbia will continue to give its support to the Court. As the first country from Eastern Europe signing the Agreement on Enforcement of Sentences without any condition, I hereby invite the States Parties to support the Court in this field as well.

Furthermore, I would like to inform the Assembly that Serbian domestic judicial bodies are very active today in prosecuting the war crimes from the '90s. I warmly recommend to all stakeholders dealing with the ICC principle of complementarity to draw their attention to the region of the former Yugoslavia where many lessons can be learned, in particular – how the political will and professional capacity has been built; how the practical remedies for a specific situation of lack of full complementarity with the norms of international criminal law has been found; how the regional cooperation has been established in order to accelerate the international legal assistance; and what can further be improved in the region for more efficient proceedings.

Finally, I would like to indicate that Serbia fully supports and cosponsors the joint statement referred to by The Netherlands on the initiative to open negotiations with all States on a new multilateral treaty on mutual legal assistance and extradition concerning the crime of genocide, war crimes, and crimes against humanity.

I am grateful for your kind attention.