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Federal Department of Foreign Affairs FDFA
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**12th session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court**

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General Debate

Statement by

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Madam President,

In recent months, some African States have expressed dissatisfaction with the Rome Statute system and the performance of the Court. This Assembly comes at a timely moment as it provides the opportunity to address these concerns by bringing together all major stakeholders.

Switzerland is ready to engage in a constructive dialogue during this Assembly and beyond in order to better understand the different perceptions and expectations of the 122 States Parties towards the ICC. We welcome the special segment scheduled tomorrow afternoon and hope that it will result in an honest and respectful debate on the outstanding issues.

We are not only open to dialogue, my delegation also supports concrete measures in relation to the expressed concerns. For example, we favor discussion on proposed amendments of the Rules of Procedure and Evidence that aim at better taking into account the difficulties that a State may face when it is confronted with ICC proceedings and that better reflect the possibilities in modern telecommunication.

Madam President,

The ICC must be further strengthened on the political and institutional the levels. More than ever it becomes clear that the Court is a body without limbs in the absence of firm political support by States. To bolster that support, Switzerland initiated a declaration of commitment to the ICC in the context of the Informal Ministerial Network on the ICC established by Liechtenstein. Thus, last September, a declaration was adopted by 24 ministers from all regions of the the world. They pledge to work, *inter alia*, towards enhancing the effectiveness and efficiency of proceedings before the ICC. Switzerland contributes to reflections in this respect by supporting an informal and independent expert group. The group plans to present its ideas in the first half of 2014 with a view to inform the Study Group on Governance, the Court and other stakeholders.

With respect to the principle of complementarity we note that the creation of the ICC has undoubtedly led to improvements in many justice systems. However, the lack of know-how or resources, political instability, corruption or simply the unwillingness to ensure accountability prevent some States Parties from fully implementing the necessary changes. The ICC cannot be blamed for this. Rather, each and every State Party has the responsibility to guarantee effective prosecution of crimes under international law. Also, complementarity concerns the need to work not only with international justice actors but, for instance, also with people from the field of development. Often, the creation of structures to prosecute serious crimes under international law is but one element of an encompassing and long-term effort to build an independent justice system that is effective and resilient.

Madam President,

In conclusion, Switzerland expresses its deep appreciation to the officials and the staff of the ICC for their relentless efforts to render justice to victims and fight impunity for the worst crimes. We are in the age of accountability. We cannot and do not want to turn back the clock. But we need to stand together in our determination to make the Rome Statute system work.

Thank you.