



ITALY

**NINTH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE
ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

STATEMENT BY

MIN. PLEN. GIAN LUIGI MASCIA

**DEPUTY HEAD OF THE DELEGATION
OF THE ITALIAN REPUBLIC**

(NEW YORK, 6 DECEMBER 2010)

Check against delivery

Mr President,

Italy fully endorses the statement on behalf of the European Union delivered by **Belgium**.

In 2010 there have been remarkable developments in the life of the International Criminal Court. More than seven years after the entry into force of the Rome Statute, the **Kampala** Review Conference helped to lend renewed momentum to the ICC. We thank everyone who helped make this event a success: the organs of the Court, the facilitators, and the President of our Assembly, Ambassador Wenaweser, whose leadership of the Conference was masterly. We are also grateful to the Ugandan Authorities for their efficient and generous hosting of the Conference.

The 'spirit of Kampala' made it possible to approve by consensus three amendments to the Rome Statute: the maintenance of Article 124; the extension of the Court's jurisdiction in the field of war crimes; and the creation of provisions for the Court to investigate and prosecute the **crime of aggression**. The work begun those many years ago in Rome has now been fulfilled.

Through the very useful **stocktaking** exercise, Kampala gave the States parties a unique opportunity to reaffirm their commitment to the Court. In Kampala Italy was represented by the Minister of Justice, Angelino Alfano who reaffirmed our commitment to a successful Conference in a spirit of consensus and our continued support for the ICC's operations in all relevant fora.

Mr. President,

The **universality** of the Rome Statute continues to be a priority, and we are encouraged by the increasing acceptance of it worldwide. Already a number of **new member** States have decided to join the ICC in the few months since Kampala. We are particularly pleased to welcome to the Rome Statute system the countries of Bangladesh, the Seychelles, Saint Lucia, and Moldova.

Mr. President,

While the Court's mandate is of a judicial nature, the ICC, as an international organization, also performs a number of administrative functions. The Statute establishes the nature of the functions carried out by the ICC, and the respective **roles of the Court and of this Assembly**.

In Kampala there was an important reaffirmation of the principles on which the ICC system is founded -- complementarity, cooperation, and concern for the suffering of the victims and the affected communities. But what is essential now is their full implementation: the obligations laid down in the Rome Statute must be respected. Some States have agreed to go beyond the obligations laid down in the Statute to provide for other forms of cooperation, which we welcome. But in our view a common understanding is needed of the scope of the obligations set out under the Rome Statute, and a clear **demarkation line** based on statutory

obligations, some mandatory and some voluntary, also for non-judicial activities of the Court, such as family visits for indigent detainees and support for complementarity at the domestic level.

The ICC has grown as a strong judicial institution and the independence of its judicial functions have been successfully protected by its Member States. However, appropriate measures must be taken to improve the **efficiency** of the system. Thus, while mindful of the need to preserve the independence of the Court, the Assembly has the obligation to exercise its role of providing guidance and oversight.

In this regard, Italy considers an essential step to be the prompt establishment of the Independent **Oversight Mechanism** through the adoption and implementation of its mandate. A structured dialogue between the Assembly of States Parties and the Court can only benefit the credibility of the system. Furthermore, we are convinced that States Parties should focus on improving the proceedings for the **selection of candidates** for the elections of the Judges and the Prosecutor in order to provide the Court with the best human resources.

Mr. President,

On the question of the budget, while fully supporting the review carried out by the Committee on Budget and Finance, we believe it is time for the Court to establish clear **priorities**, with a focus on its judicial mandate, and to increase its reliance on lessons learned from other international jurisdictions.

In conclusion, Mr. President, the **agenda** of our meeting is important and demanding. Several issues could affect the future activities of the ICC. It is crucial, however, that balanced decisions be taken on the implementation of the independent Oversight Mechanism and on the delicate relationship between the ASP and the ICC for the best governance of the entire system. Other crucial issues are imminent. For example, the **elections** in 2011-2012 will reshape the composition of the Court, and future challenges will require increased cooperation between the Court and our Assembly.

Italy will do its part to contribute to a thorough debate, with the aim of strengthening the Court as an independent institution, facilitating its activities, and further promoting the universality of the Rome Statute.

Thank you, Mr. President.