



THE REPUBLIC OF KOREA

PERMANENT MISSION TO THE UNITED NATIONS

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**Statement by His Excellency Ambassador KIM Young-won
Head of Delegation of the Republic of Korea
To the Ninth Session of Assembly of States Parties to the ICC**

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Mr. President,

I would like to express my sincere appreciation for your dedication and hard work in organizing this Ninth Session of the Assembly of States Parties. It is my firm belief that, under your able leadership, this Session will make great strides in dealing with daunting tasks before us.

Taking this opportunity, I would like to join my colleagues in welcoming the new States Parties, Bangladesh, Seychelles, St. Lucia and Moldova, to the ICC community as we are making our best efforts to solidify a new "Age of Accountability." The expansion of the ICC community will help ensure universality of the Rome Statute and thus ultimately contribute to the realization of justice and lasting peace.

The mere increase in number, however, does not necessarily guarantee the success of the Rome Statute system. Given the reliance of the ICC on state cooperation, States Parties' commitment to cooperate fully with the ICC should be substantiated by genuine actions. In this context, my delegation shares the concern and disappointment expressed by the Court and other States Parties about the incidents where some States Parties failed to act upon arrest warrants issued by the Court.

The Kampala Review Conference is a good example of collective resolve and ability of the States Parties and the Court to forge a new way forward, especially with regard to the protection of victims and the pursuit of international justice. At the Conference, we demonstrated our ability to make good on our commitment to justice and durable peace: we successfully bridged diverse stances of States Parties over various issues stemming from different circumstances each State Party faces. In this sense, we have every reason to be proud of the agreements reached on many issues, in particular the resolution on the amendment of the Rome Statute regarding the "crime of aggression." It is true that there has been some criticism that the Court cannot exercise its jurisdiction over any aggressor State outside the Rome Statute. Nevertheless, the result we have achieved must be seen as a milestone in international jurisprudence and the development of the rule of law as we now have the legal basis to deal with such a crime.

Mr. President,

As pertinently summarized by the report of the President of the ICC this morning, the past year has been quite eventful for the Court. My delegation welcomes increased judicial activities of the Court, which sends out a clear signal that the still young Rome Statute system does work efficiently. Against this backdrop, and with expectation of more increased activities of the Court next year, this delegation would like to express its support for the recommended budget by the Committee on Budget and Finance. The recommended budget, with only a nominal increase in real terms, seems to strike a balance between the increasing needs of resources commensurate with increasing judicial activities and the wishes of some States Parties to keep the increase in budget at a minimal or even zero level. As the ICC is coming of age, its activities which materialize our committed common goal of putting an end to impunity should be given a boost. This delegation shares the belief that no trial should be delayed or suspended solely for the reason of lack of funds.

As one of the most active supporters and of the largest financial contributors to the ICC, the Republic of Korea pays special attention to the Court's activities and is trying to seek the most effective ways to contribute to their advancement. As part of such efforts, in view of the unique ability of the Trust Fund for Victims to engage in support of the victims of crimes, I am pleased to announce that the Korean Government recently made a contribution of 50,000 US dollars to the Fund.

On another financial note, my delegation would like to briefly touch on the issue of pensions for the Judges. My delegation carefully reviewed the documents prepared by the ICC Judges' Pensions Committee. Concerning the two replacement judges, in view of the fact that they relied on the Original Regulations when they accepted their nomination for election to the Court and that they were elected before the adoption of the Amended Regulations, we need to carefully study this issue from legal point of view. With regard to the pension scheme for Judges under the Amended Regulations, this delegation also believes that ASP should consider setting up a Study Group to look into this matter in a comprehensive and long-term perspective.

Mr. President,

We are now writing a new history in international criminal jurisprudence and practice. It is my sincere hope that our concerted efforts at this Ninth Session of the Assembly will make a great step forward in the achievement of enduring peace and justice.

Before closing, Mr. President, the Korean delegation would like to request all delegations to the 9th Session of the Assembly of States Parties to pay attention to the report made by Prosecutor Moreno-Ocampo that his office opened a preliminary examination to evaluate whether the recent incidents that occurred in the territory of the Republic of Korea this year constitute war crimes under the jurisdiction of the Court.

The Republic of Korea welcomes the decision by the Office of the Prosecutor of the ICC to open a preliminary examination on those serious crimes. As a State Party to the Rome Statute and the State where such serious crimes were committed, the Republic of Korea will not spare any efforts to cooperate with the Court in its activities related to the incidents.

The Republic of Korea would like to call upon all States and non-States Parties to fully cooperate with the ICC in punishing the criminals who launched the flagrant attacks against the Republic of Korea.

Thank you.