



SLOVENIA

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**STATEMENT
BY**

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Mr President,
Members of the Court,
Distinguished Delegates,
Ladies and Gentlemen,

Let me begin by congratulating everyone on the work accomplished so far this year, especially at the Review Conference in Kampala, and appealing to a similar spirit of cooperation thereby leading to a successful work and conclusion of the 9th Assembly of States Parties.

Slovenia fully aligns itself with the statement made by Belgium on behalf of the European Union.

Slovenia would like to express its support to the Court and its work. After eight years of its existence, we have a fully functioning court trying three cases, investigating five situations and making preliminary examinations all over the world.

Overcoming the first hurdle this year was the Review Conference in Kampala and the first set of amendments to the Statute. Slovenia would like to express its satisfaction that the regulatory gap between international and non-international armed conflicts has been at least a little diminished with the amendment to the Article 8, prohibiting certain weapons that have already been prohibited in international armed conflicts, also in non-international armed conflicts, which had been cosponsored by my country for that exact reason. Furthermore, reaching the consensus on the amendment on the Crime of Aggression has been one of the major achievements of the Conference and Slovenia firmly believes the opportunity for the inclusion of the definition of aggression and conditions for the Court's jurisdiction into the Statute has been taken at the appropriate time. The definition is one of the milestones in the history of international law and aims to strengthen the rule of law at national and international level. We trust the time gap for the exercise of the Court's jurisdiction will allow the Court and the States to make all necessary preparatory work to successfully ratify and implement the adopted provisions.

Mr President,

In these times of the world economic crises, one of the most difficult issues we have to tackle is of course the budget. Slovenia is of the opinion that both the increased workload of the Court and the economic situations of the States should be taken into account and

that the measures that are taken should as a whole have the effect of reducing the costs of the Court. The CBF recommendations should be fully observed and further built upon, as well as further synergies in this area should be sought.

Slovenia would like to stress the importance of lessons-learned from other *ad hoc* and mixed international criminal tribunals that should form a basis to be built upon, so that resources are not spent in rediscovering measures and procedures facilitating the work in criminal proceedings. We are aware that there are significant differences between the ICC and other international criminal tribunals, but there are areas of overlap and similar problems to be resolved, where repeating at least some mistakes can and should be avoided.

We would also urge the Court to consider the use of alternate judges in the proceedings so that there would be no need for the mandates of judges to be extended, when the proceedings have started but have not yet finished when the judge's term expires.

Also, Slovenia is looking forward to the Court finishing the first of its cases. From the reports we have received, we may expect the Court to finish its first case next year, which will be an important milestone. We would also appreciate any comments and ideas of the Court on the possibilities of facilitating the proceedings and making them more efficient so that Rules of Procedure and Evidence can be studied in light of the experiences and amended if necessary.

Very important aspect of the Court's work is also Witness Protection and Relocation Programme. We are aware of the Court's need to conclude as many witness protection and relocation agreements as possible. Slovenia is considering the possibility to enter into such an agreement.

Mr President,

The ICC as an international judicial body has a unique characteristic –unlike ICTY and ICTR it is completely dependent on the cooperation of states. It is the States Parties that are obliged to cooperate with the Court, but we believe that in light of the mission of the Court, which is fighting impunity for the most horrendous crimes that shock the human conscience, all states should have an interest in cooperating with the Court. We regret that so far even the obligatory cooperation in accordance with Part 9 of the Rome Statute has in some situations not been exemplary. Yet, we believe that with some political will

and legal mechanisms adopted at the national level, cooperation could be strengthened to fulfil our common endeavours.

Slovenia advocates reaching universality of the Court. This should not be just the aim of the States Parties, but especially for those who are considering its ratification or accession. Slovenia would therefore like to congratulate to four States which became Parties to the Rome Statute since the 8th Assembly.

At the next session of the Assembly the third regular elections of the judges and election of the prosecutor are taking place. It is a constant position of Slovenia that only the most professional and distinguished candidates for these positions should be nominated by States Parties so that they can uphold respect, authority and integrity of the Court. The competences should for this reason be the key factor for States Parties for supporting the candidates.

Mr. President,

To conclude, I would like to reiterate Slovenia's support to the Court's mission of fighting impunity, but would like to also express our expectation, that the Court takes into account the realities of the environment, in which it functions and current capacities of States Parties. This year has been probably the most important in the history of the Court since its establishment, however there are still many challenges in front of us, namely to strengthen the positive relationship between the Court and the Assembly of States Parties, to reach full universality of the Court and to bring those responsible for international crimes to justice.

I thank you for your attention.