

Canada

General Debate Statement by CANADA
Delivered by *Alan H. Kessel, The Legal Adviser*
Review Conference of the Rome Statute of the International Criminal Court
Kampala, Uganda (May 31 – June 11, 2010)

Mr. President, Secretary-General, distinguished delegates...

I would like to begin by thanking the Government of Uganda for the considerable efforts that they have put into hosting this meeting. African States Parties have played an important role in the establishment of the ICC, and we will continue to look to them for creative and workable solutions to the many issues we will be discussing over the next two weeks.

I would also like to thank the Secretariat of the ASP for organizing this important event, and to recognize the important role that civil society has played in the preparations for this Conference.

In 1998, Canada joined other delegations at the Rome Diplomatic Conference with an ambitious goal – the creation of an independent and effective International Criminal Court with jurisdiction over the most serious crimes of concern to the international community. In 2010, we are gathered again, to reflect on the achievements of the past twelve years and to take constructive steps to improve further the Rome Statute system.

Our aim at this Review Conference is to strengthen the Court and to advance the fight against impunity. In doing so, we must look not only at the work of the Court, but also at the roles and responsibilities of States Parties and the opportunities for non-States Parties and members of civil society to assist the work of the Court.

Canada's continuing support for international criminal justice is based on our strong commitment to the rule of law and the principle that those who commit crimes must be held accountable. Within this paradigm, Canada has supported the work of the International Criminal Tribunals for Rwanda and the former Yugoslavia, the Special Court for Sierra Leone, the Special Tribunal for Lebanon, the Extraordinary Chambers in the Courts of Cambodia and, of course, the ICC.

In December 1998, Canada was the 14th country to sign the Rome Statute. In June 2000, Canada enacted the *Crimes Against Humanity and War Crimes Act*, becoming the first country in the world to adopt comprehensive legislation incorporating the obligations of the Rome Statute into its national laws. Canada ratified the Statute the following month.

The enactment of the *Crimes Against Humanity and War Crimes Act* and other associated legislative changes have allowed Canada to cooperate fully with the Court and have ensured that Canada is not - and will not become - a safe haven for persons involved in genocide, war crimes, crimes against humanity or other reprehensible acts regardless of when or where they occurred. To this end, Canada's first successful prosecution under the Crimes Against Humanity and War Crimes Act took place in 2009, and another has been initiated.

It is the duty of every state to exercise its criminal jurisdiction over those responsible for serious crimes. The ICC is a crucial part of the international criminal justice system, but it is also a court of last resort. Where such crimes have occurred, states must ensure accountability through effective and genuine investigations and prosecutions at the national level. In this respect, Canada recognizes that strengthening domestic capacity to investigate and prosecute these crimes is essential to closing the impunity gap.

Canada has supported projects promoting ICC ratification and implementation and has supported programming aimed generally at promoting the rule of law and accountability. For example, Canada has funded the production of manuals on ratification and implementation of the Rome Statute and on cooperation of national criminal justice personnel with the ICC. Canada, with the collaboration of many States Parties, has also undertaken to shepherd the establishment of the Justice Rapid Response mechanism which can assist, when needed, in the investigations of both the Court and national jurisdictions.

While the strengthening of national systems is important, in the instances where the Court takes jurisdiction over crimes – States must fulfill their obligation to cooperate with the Court. States Parties must continue to recognize and protect the independence of the Court and must offer their full diplomatic support to the Court. Further, States Parties must enforce the orders of the Court, particularly through the execution of arrest warrants. This obligation, we would stress, is not limited to the accused's state of nationality.

Over the coming days, we will consider potential amendments to the Rome Statute. On the crime of aggression, there is a divergence of views. Legitimate concerns have been raised and must be addressed in a creative and flexible manner. We must strive to move forward by consensus on these issues – to do otherwise will only weaken the Court and undermine its mandate.

Clearly, there is a strong desire among States Parties to have a successful outcome to this Conference. Canada shares this sentiment, but the success of this Review Conference should be judged qualitatively - any outcomes should (1) serve to promote accountability; (2) strengthen the Court; (3) reinforce the continued commitment of States Parties to the Rome Statute; and (4) encourage the universal acceptance of the Rome Statute. In furtherance of these goals, Canada will be participating actively in the upcoming discussions and negotiations; and we would encourage other delegations to do the same.

Over the past twelve years, much has been invested in the Court and in the Rome Statute system. Significant and important progress has been made in a short time. We look forward to making further progress over the coming weeks, and we are committed to working collaboratively with all delegations at this Conference.

Thank you Mr. President