

Statement delivered by
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Review Conference of the International Criminal Court

Statement of Denmark

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Mr. President, Mr Secretary General, Excellencies, distinguished delegates, ladies and gentlemen,

It is a great honour for me to represent Denmark here at the first Review Conference of the Rome Statute.

This is a special event. Today and throughout the coming fortnight we are gathered here in Kampala to celebrate – and to strengthen - a truly unique institution. The International Criminal Court is the embodiment of a simple but enormously powerful idea: That there should be no impunity for the most serious crimes. No matter who the perpetrator. No matter who the victim.

It is an idea that springs from the basic human notions of justice, fairness and the dignity of all human beings. By expressing these fundamental values in a complex institutional and political reality the Rome Statute gives us hope that our highest ideals will be realised.

This is not to say that justice under the Rome system is – or will be - perfect. But it is because the Court embodies these fundamental and powerful values that we have real reason to believe that we will gain the upper hand in the fight against impunity.

In the coming days we will get down to work on the many issues on our agenda here in Kampala. We will have discussions, negotiations and, probably, even disagreements. That is as it should be. But I also hope – and believe – that throughout this Review Conference we will keep reminding each other that we are celebrating a unique institution and that all our efforts are in the common pursuit of the values so eloquently expressed in the Statute's provisions.

Mr. President,

The Conference does indeed have before it a full agenda containing both proposals for statutory amendments and a stocktaking segment.

Denmark comes with a particular interest in the work we will do on complementarity. We have – together with our South African colleagues - been given the task of taking the lead on preparing the stocktaking exercise on complementarity.

The principle of complementarity is one of the cornerstones of the statute. Giving primary responsibility to domestic jurisdictions is not only a very sensible approach from the perspective of capacity and resources of the ICC. It is also an expression of the fundamental value of ensuring the highest degree of national ownership of – and responsibility for – justice. It sends the clear signal that the ICC is not about dictating particular models of justice but rather about creating a comprehensive international system of justice where national jurisdictions only rarely need be supplemented by international prosecutions.

We face the challenge that many states – for a variety of reasons - experience difficulties in undertaking investigations and prosecutions for Rome Statute crimes. Many of these difficulties simply relate to a lack of capacity, resources and technical expertise. Part of overcoming these hurdles is for States and international organizations to cooperate in creating the necessary capacities in domestic jurisdictions.

We should together utilize the political good will and moral force which the ICC embodies, through integrating and mainstreaming the Rome Statute into existing development and rule of law programs.

This has been the focus in our preparatory work for this Conference. We look forward to the complementarity panel on Thursday and it is our hope that we can send a clear message here from Kampala. A message that underlines that promoting the rule-of-law through cooperation and assistance both strengthens national jurisdictions as well as being hugely important for our effort to build an international system of criminal justice.

The Review Conference is not the final word on complementarity and positive complementarity. On the contrary this should be the beginning of our continued conversation on how the Rome system and national jurisdictions can complement each other.

Mr President,

A key issue for this Conference is that of reaching agreement on the crime of aggression and making that crime operational under the Statute. Denmark has always been an advocate for a strong Court and a strong Statute as essential tools for combating impunity. The crime of aggression is a key international crime over which a universal, permanent Court should have jurisdiction.

We have worked hard and will do so during this conference to make every effort at finding common ground for moving forward on the issue of the crime of aggression. We will do so being mindful of the very complex nature of this task and the possible broader effects of making the crime of aggression operational. If our guiding principle is to strengthen the Court then we must make sure that our actions, also when it comes to aggression, pursues that aim with consistency and care. Unity will strengthen the Court – open disagreement will not.

Mr. President,

Denmark is a friend of the Court and we count ourselves as one of the most ardent supporters of the Rome System. During this conference we will sign an enforcement of sentences agreement with the Court and announce a substantial contribution to the new Trust Fund for Protection of Witnesses. We do so as an expression of that friendship and with the sincere wish of furthering our common effort. Allow me, finally, to thank our Ugandan hosts for their hospitality here at this exquisite venue and express the wish for a successful and fruitful conference.

Thank you, Mr President.