



CROATIA

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**Statement by
H.E. Mr. Frane Krnić
Head of Delegation**

International Criminal Court

Assembly of States Parties

The Hague, 24 November 2006

Mr. President,

It is my great pleasure to address this Fifth Assembly and join my predecessors in commending your efforts and personal dedication in guiding our work.

While Croatia fully associates itself with the statement made on behalf of the European Union, I would like to offer our views on a few specific points.

Mr. President,

The establishment of the ICC is possibly the boldest embodiment of the age-old vision of the universal order based on the rule of law. The goals we set for ourselves in the Rome Statute are deliberately ambitious. The challenges that the Court may face in carrying them out are hardly unexpected. As we are assessing its progress, it should not be against some "textbook reality", but with taking into account the realities on the ground, including the circumstances of an ongoing conflict.

At this stage, the work of the Prosecutor and his team, who enjoy our appreciation and full support, plays a critical role in shaping the lasting perceptions of the Court. We are mindful that the Court's *ex ante* jurisdiction, which replaced the arbitrariness of the *ad hoc* tribunals, is a precious asset, a deterrent which should not be compromised by short-term political considerations. A quest for peace, which is inherent to the goals of the Rome Statute, is only undermined if impunity is allowed. Speaking from the perspective of a country which has an extensive experience in international criminal justice, I would like to reiterate our strong belief that the establishment of the individual criminal responsibility is a guarantee for the lasting peace. It can be critical for the reconstruction of the national identity in a conflict – torn society. It does not mean however, that a different sequencing should not be applied if there is a serious prospect of reaching peace in an ongoing conflict, as long as these considerations do not compromise the integrity of the prosecutorial strategy. The ICC is a judicial body, while the responsibilities for maintaining the international peace and security lay with the Security Council – but there is no reason to interpret these two mandates as opposing. Their goals are complementary and mutually reinforcing – a reality which has been recognized by the first deferral and which should guide future actions.

Mr. President,

We, the States Parties, created a powerful instrument to act as our collective conscience. As it enters the critical phase of first trials, it is our responsibility to keep providing unequivocal support and cooperation. While the cooperation of the States directly affected remains vital, let us not forget that this duty has much broader scope and potentially affects each of us, be it through logistical assistance or other means. We are, after all, its missing executive arm.

No less important are the regular financial contributions. As we salute the broad vision of the key determinants for the long-term success of the Court as reflected in its Strategic Plan, we should not underappreciate the fact that some of them have long-term budgetary implications.

The authority of the Court is reinforced with each new ratification, and we warmly thank them. But as we are looking towards the widening the Statute's geographical scope, we should not forget the demands it places before the domestic judiciary. Strengthening the positive complementarity should remain one of our goals, as we believe that the effective domestic criminal justice remains the basis of the rule-based international order.

Thank you Mr. President.