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## STATEMENT

by Mr. Milan Paunović,  
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Ministry of the Foreign Affairs  
Republic of Serbia

Mr. President,  
Distinguished delegates,

Before I proceed to make my statement, I would like to thank the President of the Assembly of State Parties H.E. Bruno Stagno Ugarte for the invitation and the opportunity provided to me to participate in this Conference, as well as the President of the International Criminal Court, H.E. Judge Philippe Kirsch, for the presentation of the ICC Report.

Serbia considers that the establishment of the International Criminal Court is one of the most significant events in the development of international law. Its importance is to be seen in a wider context of the international order. The ICC plays a significant role in ensuring accountability where national judicial systems have failed to do so or have not been willing or able to function. Serbia supports the aim of the Court to become the centre of an emerging system of international criminal justice and welcomes its increased co-operation with other tribunals.

This Court, as all international institutions of this kind, bears an inherent contradiction. We all wish it not to have too heavy a docket, hoping that grave violations of international humanitarian law and crimes against humanity will not occur in the future and that the principles and ideals enshrined in the United Nations Charter and foremost international human rights instruments will prevail. Unfortunately, the tragic experiences of the modern era provide ample evidence of the need for such a Court, a court that would be truly universal and unreservedly supported by all countries and nations in the world.

It is, therefore, of crucial importance that the States Parties to the Rome Statute demonstrate their full commitment to upholding the principles of international humanitarian law and maintaining peace and security in the world through full and unconditional cooperation with the Court and effective implementation of the legislation of the Statute. Furthermore, we wish to call on the States Parties to continue to support universal ratification of the Rome Statute and keep the momentum.

As much as the ICC's success depends on the support of the member states, it will still require extensive collaboration with the world's multilateral institutions, too. This is true primarily in respect of the United Nations, in particular the maintenance of international peace and security. This clearly demonstrates the need for full implementation of the Relationship Agreement between the two institutions. In this context, we see the establishment of the International Criminal Court Liaison Office in New York as a significant step.

Serbia, as one of the ICC's founders that experienced tragic developments in the Balkans, will do its utmost to respect and uphold its international obligations under the Rome Statute in order to assure the full implementation of all legal acts of the Court in its domestic legal system. This commitment has been taken up explicitly in the relevant provisions of the former Constitutional Charter and the relevant amendments of the national legislation and is fully reflected in the text of its new Constitution.

Through their cooperation with the International Tribunal for the Former Yugoslavia, the District Court of Belgrade and its War-Crimes Chamber, as well as the Office of the Prosecutor for War Crimes of that Court, have proven their professional and judicial capacity to try the most complex cases in line with the prevailing international standards of justice. Furthermore, the District Court of Belgrade has expressed its readiness to contribute to the establishment of an ICC database that would compile all national judicial decisions and cases pertaining to the substance of the international criminal law: crimes of genocide, crimes against humanity, war crimes and the crime against the peace, i.e. aggression.

In addition to the fact that Serbia was among the first to ratify the Rome Statute, it gives me a pleasure to recall the activities that my country has undertaken in order to facilitate the work of the Court. It was among the first countries to ratify the Agreement on Privileges and Immunities of the International Criminal Court. At this moment, it is negotiating an Agreement on the serving of prison terms in Serbia by persons sentenced by the International Criminal Court. Also, an initiative has been launched for concluding an agreement on witness protection and relocation. In that context, I would like to point out that

the Parliament of Serbia has recently adopted a new Criminal Procedure Code, whose provisions, among others, make the abuse of command responsibility a separate type of failure-to-take-action crimes of civil or military commanders. Let me also highlight the fact that Serbia has been a staunch supporter of the establishment of the Victims Trust Fund and is eagerly looking forward to its activities, having already earmarked financial means in its budget for the support of the Fund.

I would also like to point out that, since 2001, Serbia and Montenegro and later on Serbia have had the Criminal Procedure Code that has made it possible for my country to extradite, in compliance with its international obligations, its citizens to an international court, recognized by a ratified international agreement.

Distinguished Presidency of the Court ,  
Distinguished delegates,

Serbia supports the further strengthening of the institutional capacity and activities of the International Criminal Court and will continue to do so, both as a party to the Rome Statute and a member of the Bureau of the Assembly of the States Parties, now in its second term. At this point, let me reiterate that we believe that the only way to a further building of institutional capacity of the International Criminal Court leads through strengthened cooperation and support of all States Parties to the Rome Statute, as well as of all members of the United Nations to achieve its universal acceptance.

Thank you.