

COLOMBIA



COLOMBIAN MISSION TO THE UNITED NATIONS

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ASSEMBLY OF STATES PARTIES SIXTH SESSION

Agenda Item 7, General Debate

STATEMENT BY H.E. AMBASSADOR CLAUDIA BLUM,
PERMANENT REPRESENTATIVE OF COLOMBIA TO THE UN

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CORTE PENAL INTERNACIONAL

ASAMBLEA DE LOS ESTADOS PARTES VI PERIODO DE SESIONES

Tema 7, Debate General

INTERVENCIÓN DE S.E. EMBAJADORA CLAUDIA BLUM,
REPRESENTANTE PERMANENTE DE COLOMBIA ANTE LA
ONU

Nueva York, 3 de diciembre de 2007

Mr. President,

My delegation acknowledges and appreciates the work you have done in coordinating the activities of the *Assembly of States Parties of the Roman Statute of the International Criminal Court*, as well as the remarkable progress achieved so far.

Mr. President,

Colombia has been participating in a continuous and determined manner, in the efforts made by international society to penalize with severity crimes that undermine human dignity. Inspired by this purpose, we attended the Conference of Plenipotentiaries which gave birth to the *Rome Statute of the International Criminal Court*; we ratified this instrument a few months after its entry into force, participated actively in the sessions of the Preparatory Committee and, after the Court was installed, we participated as well, in the working groups established to develop or implement provisions of this international instrument.

We renew our determination to continue in the common effort to eradicate impunity, and in order to achieve that end, we have made tremendous efforts which are revealed, inter alia, in the implementation of the *Justice and Peace Law* that has allowed the demobilization and prosecution of both, the members of self-defense groups, as well as of guerrilla groups. To that end, efforts have also been made in the institutional strengthening of the General Prosecutor and of the judicial apparatus.

We note with particular appreciation, the presence of the Prosecutor Luis Moreno Ocampo, who very kindly responded to the invitation extended by the Colombian government on the framework of the *First Inter-American Human Rights Congress*, held on the occasion of the celebration of the *31 Extraordinary Period of Sessions of the Inter-American Human Rights Court*, which took place in Bogota, from the 17 to the 20 of October this year. This provided as well, an opportunity to promote the universality of the Rome Statute.

Likewise, and as we have stated on previous occasions, Colombia attaches special importance to promoting reciprocal cooperation of the States parties and the International Criminal Court. In this regard, the Court may provide technical

assistance aimed at strengthening the judicial apparatus of the States parties who are willing to receive such help. Bearing in mind that the paramount interest that inspires the *Rome Statute* is to penalize the most serious crimes of international significance and that, under the principle of complementarity, States parties have the primary right and duty to exercise justice to investigate and prosecute perpetrators. The cooperation that the Court can provide is highly beneficial in order to eradicate impunity.

Mr. President,

Our delegation is of the view that the investigations undertaken by the International Criminal Court and the measures adopted in the matter by the Prosecution, which represent concrete progress in the respective criminal proceedings, are of great importance. The fact that the Court has worked rigorously, fairness and effectiveness, promotes the universal adherence to the Rome Statute, as well as contributes to deter potential perpetrators of serious crimes of international significance.

It should be noted, however, that the absence of a coercive mechanism that allows the Court to materialize warrants of arrest and delivery, makes it even more imperative to strengthen the cooperation that should be provided by States parties to this Tribunal, in order to make such measures more effective.

We consider of great importance the work undertaken by the *Trust Fund for Victims*, and concur with what was agreed by the members of the Board of Directors on the emphasis that should be placed on projects aimed at addressing the needs of physical and psychological rehabilitation, for the most vulnerable and marginalized victims.

Moreover, we commend the work done by the Working Group on the crime of aggression that, under the leadership of Ambassador Christian Wenaweser, has promoted a substantive development of the deliberations aimed at coining a definition of the crime of aggression in the Rome Statute, and to determine the conditions for the exercise of the jurisdiction by the International Criminal Court.

In this regard, we have advocated for a differentiated approach of the criminal type of the crime of aggression, since it makes it possible to apply the procedures stipulated in Article 25, paragraph 3, of the Rome Statute, a provision common to the criminal types included in that instrument. Likewise, we have specified that while there is a need to safeguard the system of checks and balances in the international system, the Court should not be prevented from exercising its competence, even when there is no definition given by the Security Council on what may constitute an act of aggression.

Likewise, we support the integral development of the *Plan of Action for achieving universality and full implementation of the Rome Statute*, and congratulate the Government of Japan and those of other States that have recently ratified this treaty.

Mr. President,

We would like to welcome, as well, the work undertaken by the liaison office in New York that has facilitated the exchange of information and cooperation with the United Nations and its Member States, and contributed to a better knowledge of the activities of the Court.

We believe are relevant, in turn, the recommendations made by the Bureau of the Assembly of States parties on the geographical representation and gender balance when linking staff in the International Criminal Court, bearing in mind, however, that this criteria should be prevailed by the highest qualification in order to ensure effectiveness and suitability. In order to favor a policy of continuance and promotion by merit, we advocate for the implementation of a continuous process of staff development. Likewise, we reiterate the need for a timely and wide dissemination of the calls for positions in the Court.

Mr. President,

My delegation allows itself to reiterate the proposal that it will present during the Preparatory Commission on the possibility to give the International Criminal Court the ability to request advisory opinions from the International Court of Justice on legal matters within the area of its competence, taking into account, that other organs that are independent from the United Nations have this ability,

such as the International Atomic Energy Agency. This authorization would not affect the independence of the International Criminal Court, but in fact, would enable the ICC to have at its disposal, a judicial mechanism that has proven to be useful to organizations and international institutions in the fulfillment of their mandates. This, would require an amendment to the *Relationship Agreement between the International Criminal Court and the United Nations*

Mr. President,

My delegation reiterates its full cooperation in the carrying out of the current sessions of the Assembly of States Parties and renews its adherence to the principles of the Rome Statute of the International Criminal Court and its complementary instruments. Furthermore, my delegation, announces its full cooperation in order to achieve the goals for the next Review Conference of States parties.

Thank you Mr. President.