



THE PERMANENT MISSION OF THE REPUBLIC OF CYPRUS
TO THE UNITED NATIONS

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**General Debate of the sixth session of the
Assembly of States parties to the Rome Statute**

**Statement by H.E. Ambassador Andreas D. Mavroyiannis
Permanent Representative of the Republic of Cyprus to the United Nations**

New York, 4 December 2007

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Thank you, Mr. President.

Before I begin, I wish to indicate that my delegation fully aligns itself with the statement delivered yesterday by Portugal on behalf of the European Union.

Let me also add my voice to those who have thanked the Secretary-General for his address before the Assembly and the support he has expressed for the Court. We particularly thank him for articulating a notion that is crucial for us: that no sustainable peace can be achieved without justice. We consider this endeavour to be the biggest single objective of the Court. Our appreciation is also extended to the officials of the Court among us today, for their dedicated efforts to serve the best interest of the Court and of course to you, Mr. President, for ably guiding the work of the Assembly and for your report on the work of the Bureau.

Clearly, many of us did not expect the Court to develop this rapidly in its first stages and to reach such a high number of ratifications before the 10 year anniversary of the Rome Statute. However, the Court has coped well with absorbing the increasing number of parties and conducting its investigations in the four situations it is involved in. If the ICC is to fulfill the purpose for which it was created; fighting impunity and serving as a strong deterrent to prospective serious crimes as a result of its robustness and far-reaching support, we must insist on the goal of universal ratification of its Statute, regardless of how long that might take.

The ICC would not be a viable project if it not were for the support and cooperation towards it by the United Nations and by States, particularly States parties. It is crucial for us, the States parties, to help ensure that the Court has available to it, all the means that it requires to maintain the highest judicial standards in its work and to make the judicial process feasible through cooperation in executing arrest warrants to cooperation in the incarceration of convicted suspects. Speaking from the perspective of a small country, I would add that it would be very helpful if the Court guided States with respect to specific areas of cooperation, so that the assistance that each State party is able to afford adds up to cover the needs of the Court at any one time.

Another issue of great importance, especially in view of the nearing review conference in 2010, is for us to enable the ICC to exercise its jurisdiction over all the crimes covered by the Rome Statute. We support the inclusion of a concept as serious as aggression in international criminal jurisdiction in general and in the jurisdiction of the ICC, in particular. Nevertheless, we recognize the importance of approaching the chapter of aggression with utmost caution and doing justice to its complexity and polysemy. The deep historical roots in the legal examination of aggression cannot be excluded from our consideration. At the same time, we cannot continue to have a vacuum of criminal accountability vis-à-vis aggression, and especially by a permanent court that adjudicates crimes of the most serious nature.

We have noted the progress made thus far in the work of the Working Group on the Crime of Aggression and we underline the belief that whatever is decided regarding this crime must not be shrouded in controversy and must not erode some of the landmark achievements of the international community, particularly resolution 3314 (1974) of the General Assembly, whose integrity and entire substance we must strive to maintain. Without prejudice of course to the exclusive competence of the Security Council under the Charter, to determine when an act of aggression has occurred, the 1974 definition by the General Assembly, made a meaningful contribution in dealing with this highly politicised issue and this difficult compromise and delicate balance must not be disrupted.

As far the exercise of jurisdiction over the crime of aggression by the Court is concerned, we emphasise the importance of avoiding any decisions that might in any way be construed as or amount to either an erosion of the established international legal order, particularly as reflected in the UN Charter, or have an adverse impact on the effective exercise of jurisdiction by the Court vis-à-vis this crime.

I would like to close, Mr. President, by wishing you every success in steering the work of this meeting of the Assembly of States Parties. We sincerely hope that the Court will continue to grow rapidly and that we will be in a position to confirm that the ICC has found its rightful, prominent place within the international judicial community.