



KINGDOM OF BELGIUM

Eleventh session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

General debate organised around the theme of – The tenth anniversary of the entry into force of the Rome Statute: the challenges ahead

The Hague, 14 November 2012

Madam President of the Assembly,
Ladies and Gentlemen, Court Representatives,
Ladies and Gentlemen, distinguished Delegates,

For the first time this year, the general debate opening the annual session of the Assembly of States Parties has been afforded a theme. This theme is 'The tenth anniversary of the entry into force of the Rome Statute: the challenges ahead'.

Also for the first time this year, the States wishing to participate in the general debate have been invited to do so in writing rather than orally, to avoid an excessively lengthy part of the Assembly's session being dedicated to it, resulting in there being less time available for the all-important issues on the session's agenda. Belgium has therefore decided to post this written statement on the site provided for this purpose and expresses its appreciation to the Assembly Secretariat for having extended this opportunity.

Belgium agrees with the statement made orally by the Cypriot delegation, on behalf of the European Union, reiterating to the Court its complete and unequivocal support in the mission entrusted to it to punish those responsible and obtaining justice for the victims of the most serious crimes affecting the entire international community.

Belgium also congratulates the newly elected Deputy Prosecutor and pledges to offer him all the support he requires to perform his duties.

Madam President,
Ladies and Gentlemen,

The important mission entrusted to the Court by the Rome Statute is in reality shared between the Court and the 121 States Parties to the Rome Statute that participate, together, in a system of universal vocation to combat impunity at the national and international level, by introducing the principle of the Court's complementarity with respect to national criminal courts.

Obligated to incorporate the Rome Statute in their national legislation in order to empower their legal authorities so they can prosecute the crimes listed in the Statute, the States are also required, under the Rome Statute, to cooperate with the Court in its investigations and prosecutions.

On the occasion of this general themed debate, Belgium would like to underline that which it considers to be one of the greatest challenges for the next few years: the States' cooperation with the Court.

As the President of the Court, Judge Song, reminded us at the UN General Assembly on 1 November 2012, "Without the assistance of the States, the Court cannot perform its mandate effectively."

Even if there are numerous examples of cooperation between States and the Court and the States frequently display their willingness to cooperate, there are still too many regrettable cases in which the lack of cooperation paralyses some of the Court's actions and prevents it from acting or considerably slows down its actions.

Madam President,
Ladies and Gentlemen,

It can never be repeated enough: 'Justice delayed is justice denied'.

Belgium is willing to share its extensive experience of cooperating with international criminal courts ranging from *ad hoc* courts to hybrid courts to the International Criminal Court, with those States that are interested.

Far from being an insurmountable challenge, cooperation with the Court however does require a series of measures to be taken on the national level not only to facilitate contacts between the competent national authorities on the one hand, and the different bodies of the Court on the other, but also to accelerate its procedures. In this context Belgium takes the liberty of strongly recommending that each State Party establishes a central authority in charge of cooperating with the Court. This recommendation is also included in the recommendations to States in the summary of the workshop on cooperation, organised by the facilitator on the subject, in The Hague on 1 October 2012.

Amongst these recommendations to the States, Belgium once more takes up that which strives for signs of support for the Court at the political and diplomatic level as well as those aimed at improving the Court's measures for identifying or freezing assets and transferring proceeds seized to the Court, including repayment of the amounts advanced by the Court for defending non indigent accused persons.

Madam President,
Ladies and Gentlemen,

Belgium cannot conclude its statement without highlighting the fact that this year the Court's tenth anniversary was marked by the Court delivering its judgement of the Court of First

Instance – not yet final -, finding Thomas Lubanga Dyilo guilty of having committed war crimes of enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities. This is the first conviction by an international court for such a crime and should, we hope, prove to be a deterrent for using child soldiers, a true scourge on humanity.

The end of these first proceedings and the end of other ongoing proceedings in the near future present the Court with another major challenge: that of reparation for the victims.

Belgium also supports the Court in helping it meet this challenge by financing the Trust Fund for Victims again this year, as it has done every year since it was founded.