



Rzeczpospolita Polska
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Statement by H.E. Mr. Maciej Szpunar

**Under-Secretary of State at the Ministry of Foreign Affairs
of the Republic of Poland, Head of the Polish Delegation
to the eleventh session of the Assembly of States Parties to the Rome Statute
of the International Criminal Court,**

The Hague, 15 November 2012

Tenth anniversary of the entry into force of the Rome Statute: the challenges ahead

Madam President, Distinguished Delegates,

Ten years after the entry into force, the Rome Statute and International Criminal Court have undoubtedly proven their high value and efficiency. Continuously growing number of States Parties to the Rome Statute reached 121 and is well representing all regions of the world. There are good grounds to believe that one day, hopefully in not so far away future, the universality, or at least almost universality of the Statute, will be achieved. The universality remains one of the principal goals not only for the Court, but in the first instance, for current states parties and the international community as a whole. When the Court was established, it was assumed that finally it has to be universal. Poland individually as well as with its partners from the European Union will continuously act to achieve that goal and commits itself to rise the universality issue in its contacts with non-states parties.

My country is generally satisfied with the achievements of the Court, as well as those of the Prosecutor's Office. We are especially grateful to the Court's President, Mr. Sang-Hyun Song, for all his efforts so vigorously aimed at strengthening the integrity and credibility of the Court.

As a new player in international relations, the Court is facing a variety of problems and challenges. It is not always easy to manage all of them in the most appropriate and satisfactory

manner. They include, for example, very practical and crucial issues like securing the adequate financial resources for the Court's activities and the appropriate protection of the Court's staff engaged in activities on the territories of the non-states parties. Therefore we call upon all states parties which have not yet done so to ratify the Agreement on the Privileges and Immunities of the ICC as quickly as feasible. We would also appeal to all potential states parties to the Rome Statute to ratify the Rome Statute and the above mentioned Agreement at the same time.

Practical relationship between the Court and the UN Security Council should be further developed and enhanced. Once the situation is referred to the Court by the Council, the Court should not be left alone in its consequent necessary actions, including searching for additional financial resources. Usually cases referred to the Court by the Council are complicated and therefore require extraordinary efforts and substantial load of work. The main goal of the Court is to deliver justice, and it should be done relatively quickly and in the most professional manner. Tools allowing completion of that task should be available to the Court, otherwise justice will be delayed and credibility of the whole international system, including the UN and the Court will be easily jeopardized. Poland welcomes informal contacts between the President of the Court and the Security Council established on October 17th this year on the occasion of the Security Council open debate entitled "Peace and Justice, with a Special Focus on the Role of the International Criminal Court". We encourage such informal contacts to be continued on a regular basis, at least yearly, for the benefit of both institutions involved.

The Court does contribute substantially not only to international justice but also to international peace and security. Being a fully independent legal institution it constitutes, at the same time, an important and vital part of a comprehensive international system devoted to peace, security, justice, rule of law and sustainable development. That creates an additional challenge for the Court, which has to find the most appropriate place for itself in that wider system while, at the same time, maintaining its independence and impartiality.

Madam President,

Poland is convinced that system of international criminal justice should be further developed in order to react adequately to new needs and situations. Following the amendments adopted during the Kampala Review Conference the jurisdiction *rationae materiae* of the Court will most probably comprise in the future more crimes which are of serious concern for the international community. However, Poland is of the view that number of those crimes which could be additionally included

into the Rome Statute should be limited and any decision on that issue has to be made after a very careful consideration of all *pros* and *cons*.

Madam President, Distinguished Delegates,

Justice must be done regardless of any obstacles or difficulties. It is required by a common sense of justice felt and expressed by people all over the world, and in particular by victims of crimes and their families. It is especially important in the case of the most serious and grave crimes, which in fact affect the entire international community, namely genocide, aggression, crimes against humanity and war crimes. Domestic criminal law systems should be more effective and rapid in prosecuting and judging those crimes. Close cooperation with international legal institutions and in particular with the International Criminal Court is of utmost importance.

Poland stands firmly, together with all peace and law loving countries, in strong support of the international justice and in particular the International Criminal Court. Mankind must finally learn all tragic lessons from the past – no one stands above the law and no crime shall go unpunished regardless of the official position of the perpetrator or any other consideration.

I thank you for your attention.