



**STATEMENT**

**BY**

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**Ambassador of the Republic of Trinidad and Tobago to the Kingdom of The  
Netherlands and to the Kingdom of Belgium**

**at the General Debate of the  
Twelfth Session of the Assembly of States Parties to the  
Rome Statute of the International Criminal Court**

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**Madame President**

Trinidad and Tobago is honoured to address this Assembly at a time when the International Criminal Court (“the ICC” or the “Court”) is at a critical juncture in its history. Our participation in this event derives from our commitment to implement fully our obligations which flow from the Rome Statute (“the Statute”). At the last ASP, States Parties lauded the ICC for its accomplishments over the previous decade. Trinidad and Tobago is of the view that the strides made by the Court during its first decade have established a solid foundation upon which the institution can build its future work.

We are heartened by the expressions of political support for the ICC pledged by States Parties over the past two days. We submit, however, that these outpourings of support must move beyond mere rhetoric in order to enable the Court to effectively discharge its mandate as the only permanent criminal tribunal dedicated to the eradication of impunity for those individuals accused of committing the most serious crimes which are an affront to the international community.

The provisions of the Statute are clear and unambiguous. Article 1 provides that the jurisdiction of the ICC is complementary to national criminal jurisdictions. States Parties must therefore assist the Court in giving effect to this provision by enacting national laws establishing truly independent prosecutorial, judicial and other mechanisms capable of bringing to justice those individuals accused of committing crimes within the jurisdiction of the ICC. If this objective is achieved, recourse to the ICC would not be necessary.

**Madame President**

The issue of cooperation with the ICC has been the subject of robust debate at previous Assembly of States Parties (“ASP”) as well as at other high-level meetings, including the United Nations General Assembly. Nevertheless, there continues to be a lack of cooperation with the Court despite the provisions of Article 86 of the Statute which require States Parties to cooperate fully with the institution in its investigation and prosecution of crimes. Here again, Madame President, we need to ascertain the reasons for this lack of cooperation with the ICC. Is it due to, for example, the lack of procedures under national laws for States Parties to cooperate fully and effectively in all areas which are required under the Statute? If that is the reason, how do we respond as an ASP? Do we continue to engage in debates at successive ASPs in the hope that all States Parties would cooperate with the ICC so that it would be able to fulfil its functions

efficiently, pursuant to Article 87 of the Statute? After a decade of the entry into force of the Statute, there continues to be a deficit in the number of States Parties which have honoured their binding legal obligations to implement its provisions domestically. This position is untenable and must be corrected.

Accordingly, Trinidad and Tobago submits further that the time is ripe for the ASP working together with non-governmental organizations and other entities, to give consideration to the establishment of more focused and targeted outreach programmes. These programmes should be geared towards assisting States Parties, where necessary, in the enactment of comprehensive legislation codifying the provisions of the Statute on matters relating to cooperation. Without the cooperation of States Parties, other States, as well as the United Nations Security Council, the ability of the ICC to bring to justice accused persons would be severely impaired. We must work together to prevent the lack of cooperation becoming the Achilles heel of the ICC.

At the same time, we wish to underscore the significant achievement of the Statute in providing for the participation of victims in proceedings before the ICC as enunciated under Article 68 of the instrument. The participation of victims provides an opportunity for the Court to be seen as dispensing justice to those whose human rights have been violated and also ensuring that their voices are heard. We, however, advance that in order for the participation of victims to be meaningful, appropriate protective measures, security arrangements, counselling and financial assistance should be provided as required. In this regard, as a State Party which has made contributions in the past, we request that States Parties and others that are in a position to do so make voluntary contributions to the Victims Trust Fund.

### **Madame President**

Trinidad and Tobago welcomes the Report on the Major Activities and Programme Performances of the ICC for the year 2012. It demonstrates that the ICC in its second decade is working to consolidate its role as a pivotal institution in dispensing international criminal justice, thereby contributing to the maintenance of international peace and security.

We also recognise that synchronicity within the organs of the court is critical to ensuring that it meets its mandate. In this regard, Trinidad and Tobago is pleased to note that the Report informs that the Presidency has engaged with States, the Assembly and its subsidiary organs, intergovernmental and regional organisations, as well as civil society in an effort to augment awareness of the importance of the ICC.

Trinidad and Tobago also commends the Chief Prosecutor for her outstanding work over the year despite the many challenges her office continues to face. Notwithstanding the financial difficulties being faced by States Parties, we wish to

emphasize that the Office of the Prosecutor must be provided with adequate financial resources if it is to open investigations in diverse parts of the globe, as well as consolidate its work in existing situation countries.

**Madame President**

Trinidad and Tobago pledges its unswerving commitment to the ICC and wishes to emphasize that any calls for changes to be made in the operations of the Court must be done in accordance with the provisions of the Rome Statute and not be based on any consideration which would undermine the independence of this judicial institution.

Finally, we also wish to use this occasion to remind States Parties of the candidature of Justice Geoffrey Henderson, a judge of the Supreme Court of Trinidad and Tobago for election to the ICC at elections to be held on Saturday 23 of November during the ASP. Judge Henderson possesses almost twenty-five years of experience first as prosecutor and then Chief Prosecutor, and later as a judge. He satisfies fully the criteria under Article 36 of the Statute with regard to established experience and competence in criminal law and procedure and Trinidad and Tobago is requesting the support of all States Parties for his election so that he can finish the unexpired portion of the term made vacant due to the resignation of former Judge Anthony Carmona as a result of his appointment as President of Trinidad and Tobago.

I thank you.