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**Swedish Presidency
of the European Union**

**International Criminal Court
Eighth Session of the Assembly of States Parties**

General Debate

**Statement by
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on behalf of the European Union**

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CHECK AGAINST DELIVERY

Statement by the Presidency on behalf of the EU at the general debate at the 8th session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

Mr President, Members of the Assembly,

I have the honour to address you on behalf of the European Union and of the Candidate Country Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the EFTA country Iceland, member of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia, and Georgia.

Mr President,

First of all, on behalf of the European Union, I would like to express our sincere appreciation to the President of the Assembly, the Bureau and its Secretariat, representatives of the Court, the Committee on Budget and Finance, representatives of the Trust Fund for Victims and the working groups in The Hague and New York for their careful preparation of this session. Our thanks are also extended to the Government of the Netherlands for its contribution to the organisation of this session.

We also wish to express our sincere gratitude to the Coalition for the International Criminal Court and its members for their valuable contributions, not only in promoting the Court's objectives, but also for arranging helpful discussions at every session of the Assembly.

Mr President,

This year, once again, the European Union reaffirms its unwavering commitment to fight impunity for the most serious crimes of concern to the international community as a whole. Over ten years ago now, a momentous step forward was taken when the Rome Statute was adopted, creating for the first time in history a permanent international court to ensure that perpetrators of crimes of genocide, crimes against humanity and war crimes are held accountable.

The Court has demonstrated that it is now in a position to carry out the mission for which it was established and that clear progress has been made in its investigations. The Court is now being seized with four situations with

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process

one trial underway and another about to begin. This is a major achievement to be welcomed by all states for which the fight against impunity is a primary concern. It should however be born in mind that the Court is still young. It has yet to complete a full trial-cycle and still has to carefully consider how to be best equipped for its future operation.

Mr President,

The ICC is a court of last resort. Primary responsibility for bringing offenders to justice lies where it should, with States themselves. In a perfect world we would therefore never have to resort to an international criminal court. However, the reality is that there are times when individual States are not able or not willing to investigate and prosecute offences. The underlying reasons can vary. What is important in these cases is that we have reached agreement that the international community should bring justice to victims.

Let us not deceive ourselves. There are many obstacles ahead. Not least in that the Court cannot endure without the cooperation of States. In this context the European Union is deeply concerned that several warrants of arrest have still not been executed. We urge all States to co-operate with the Court. Lack of co-operation by those States which are under a legal obligation to do so is unacceptable.

The wider issue of cooperation at large, however, goes beyond arrest warrants, fundamental though they are. The Court is in need of cooperation in all areas of activity, whether it is in the collection of evidence, the protection of victims and witnesses, or the need for enforcement agreements. We urge all States to actively engage with the Court, for the Court.

In regard of cooperation with international organizations more could also be achieved. Additional mechanisms for deepened cooperation with regional organizations could be established. The European Union for its part was pleased to sign an agreement of cooperation and assistance with the ICC in 2006, allowing, *inter alia*, for regular exchange of information and documentation of mutual interest. The European Union encourages other relevant international organizations to formalize their cooperation with the Court.

Mr President,

An effective system of international justice is based on the widest possible participation of States to the Rome Statute. Chile and the Czech Republic have during this past year brought the number of States Parties to the Rome Statute to 110. However, in order to truly reach our common goal of ensuring that perpetrators of heinous crimes are always, and without

exception, brought to justice, the work for universal acceptance of the Statute and the Court must continue. The European Union remains committed to promoting the universality of the Statute as part of its firm engagement to the Court.

Today the distribution of justice might at times seem to be uneven, as not all States have accepted the Court's jurisdiction. But the response to this challenge can not be backing away from the great achievements already made. Instead we must continue down the path we have chosen and intensify our efforts to fight impunity effectively.

The European Union is convinced that peace and justice are in no way contradictory goals. It is our joint responsibility to address both. Not only because peace and justice are mutually reinforcing, as accountability is a cornerstone in restoring the Rule of Law in post conflict countries. But also because victims of armed conflict should never be put in the position of having to choose between peace or justice for crimes committed against them and their families. It is our responsibility to offer them both. The only choices should be those of timing and method.

Mr President,

Let me now turn to some of the issues on our agenda for this Assembly.

In preparing the Review Conference, the crime of aggression will have a large part of our discussions in the coming days and months. We have come a long way since Rome, especially as far as the definition of the crime of aggression is concerned. This is clearly illustrated by the tremendous results in the final report of the Special Working Group on the Crime of Aggression. On the conditions for the exercise of the jurisdiction, we still have some work ahead of us. The European Union encourages all States to engage constructively on tackling the last remaining issues and, as is our common interest, to finalize our work.

The European Union welcomes that the Review Conference will provide for an opportunity for taking stock of international criminal justice. It will be an occasion to discuss, analyse and confirm the achievements to date and how we, as State Parties, can face existing challenges together. In this context, the European Union would like to extend its gratitude to Uganda for its readiness to host the Conference, indicating the commitment that Uganda has made to the ICC.

On proposing new amendments the European Union believe that the Conference should be limited to those which are likely to carry the support

by a vast major majority of States. The European Union is committed to working with all States Parties, and the Court, to ensure a successful review conference.

Mr President,

On the issue of the budget, the European Union believes it is vital that the Court is granted the resources it needs to perform its mission. However, the current economic and financial climate requires us as State Parties to ensure that the Court's activities are based on sound financial assessments which are compatible with what the States can provide.

Through management structures we should ensure that the necessary fiscal guidelines are in place so that the judicial procedures will not be burdened with issues that are rightfully ours as State Parties to shoulder.

The European Union is pleased to see the principle of victim participation in Court proceedings being put into practice. To involve those directly affected by crimes in the proceedings against suspected criminals is crucial and will have a positive impact on the most affected communities.

Mr President, Members of the Assembly,

The International Criminal Court is a fundamental tool in preventing and deterring those crimes that undermine the very essence of humanity. The European Union is and will remain firmly committed to the Rome Statute and to the International Criminal Court.

Thank you.