



# CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

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Check Against Delivery

Ninth Session of the Assembly of States Parties to  
the Rome Statute of the International Criminal Court

**Statement by**

**Ambassador Martin Palouš**

**Permanent Representative of the Czech Republic  
to the United Nations**

New York, December 6, 2010

Mr. President,

The Czech Republic fully endorses the statement of the EU and wishes to add a few remarks in its national capacity. At the outset, let me stress that, in the opinion of the Czech Republic, the first Review Conference held in Uganda this year was truly a historic event. This Conference demonstrated the commitment of various international actors, including States, international organizations and civil society, to the key principles of the Rome Statute and further developed them. In addition, this Conference made clear that:

First, the issue of cooperation with the Court goes far beyond the relations between the Court and the States Parties to the Rome Statute and that it must be addressed in a much broader spectrum of relevant actors, involving the United Nations, in particular the Security Council.

Second, it is necessary to insist on the principle of *pacta sunt servanda*, which constitutes a cornerstone of international law, and that obligations under international law cannot be unilaterally changed with reference to the current political situation, no matter how complex it could be.

Third, the Review Conference should have a unique character within the system established by the Rome Statute, based on its power to pass the amendments to the Statute, which is the "Constitution" of this system.

Mr. President,

At the Review Conference, the Czech Republic made a pledge to start, by the end of 2010, the process of accession to the Agreement on the Privileges and Immunities of the International Criminal Court. In this context, let me inform you that the Czech Government agreed, on October 6, 2010, with the accession of the Czech Republic to this Agreement and submitted it for approval to the Czech Parliament, which is currently dealing with this matter.

Mr. President,

The Czech Republic believes that the ninth Assembly of States Parties should start the process of consolidation of the already adopted amendments to the Rome Statute and not the process of adopting the new ones. We are convinced that the last Review Conference in Kampala should serve as a precedent that the acceptance of any future substantive amendments to the Rome Statute would be done only at review conferences after a deep discussion and thorough preparation.

Turning to the "usual business" of the Assembly of States Parties, we would like to make a remark on the Court's budget. In this respect, the Czech Republic believes that the increased budgetary responsibility, which is a result of the financial crisis and a fact we need to accept, should apply equally both to States and international organizations. As the significant part of the Court's budget is constituted by the costs of the judicial proceedings (for 2011, the Court's proposal is: 11.46 million EUR), the Czech Republic believes that we need to discuss the question of "economy of judicial proceedings". Therefore, we should focus on how to eliminate the unnecessary delays in judicial proceedings before the Court in a greater detail. This problem is closely related to the credibility of the ongoing trials before the Court.

Another important aspect of this Assembly of States Parties is a discussion on the timing and mechanism of the elections of the officials of the Court and the Assembly. With regard to the judges and prosecutor of the Court, the main objective should be to get elected the "persons of high moral character", who are experts in criminal or international law, as requested by the Rome Statute. The Czech Republic supports the establishment of an advisory committee on nomination of judges, in accordance with Article 36 paragraph 4(c) of the Rome Statute, under the condition that the judges and prosecutor will be still elected by the States Parties. This implies that their representatives should participate in these elections in a most responsible manner.

Mr. President,

Finally, let me thank you, on behalf of the Czech Republic, for the professional way you presided over previous Assemblies of States Parties, and in particular the Review Conference. In this context, we would like to thank also the Government of Uganda for the excellent organization of this event.