



THE REPUBLIC OF SERBIA

NINTH SESSION OF THE ASSEMBLY OF STATE PARTIES OF THE
INTERNATIONAL CRIMINAL COURT
New York, 6-10 December 2010

Check against delivery

STATEMENT

by

Mr. Miodrag Majić

Representative of the Republic of Serbia to the 9th Session of the ASP

6 December 2010

Mr. President, Ladies and Gentlemen,

It is my honour and privilege to address you on behalf of the Republic of Serbia at this Ninth Session of the Assembly of States Parties to the International Criminal Court.

As it was the case in the period of the establishment of the ICC, when Serbia was one of the founders and one of the first 60 Member States that ratified its Statute, today, after the first decade of its functioning, my country is fully committed to the International Criminal Court, providing full support to its activities. Both before Rome and after Kampala, we believe that the only really effective way of confronting the most severe international criminal acts at the international level, is an independent and non-selective involvement of the permanent international judicial institution.

Today, the International Criminal Court may well be said to represent a well-organized and operational international judicial institution. Investigations are carried out, arrest warrants are issued and suspects are brought to justice faster than even its strongest supporters could have assumed. A large number of Member States which have acceded to the Statute and continue to accede give us much reason to believe that the International Criminal Court today is a respected and influential international institution that will increasingly be an

essential factor not only in the field of international justice, but in the field of international peace and security as well.

After the successfully completed Review Conference in Kampala, and after finding solution to one of the most complex issues when it comes to the functioning of the Court - the definition of the Crime of Aggression - it seems that there are even more reasons for optimism. Nevertheless, even though the future of the International Criminal Court can be looked upon with a justifiable optimism, we believe that it does not give us the right to conclude that the work that we have commenced is over.

Mr. President,

The International Criminal Court is a mechanism that lives and operates thanks to the energy provided by its Member States. The stronger the energy, the stronger and more powerful the Court becomes. Therefore, it is important that the advocacy of universal accession of the countries to the Statute continues in the future. The universal nature of this institution also implies a universal acceptance of its mission. We believe that we are closer to such goal every day. In that respect, we are pleased to congratulate the People's Republic of Bangladesh, Republic of Seychelles, St. Lucia and the Republic of Moldova for the accession to the International Criminal Court in the last year.

However, the very accession to the Statute, although a necessary step, is not enough. The Member States must be fully aware of the dependence of the International Criminal Court on their permanent support. With that in mind, in the previous period the Republic of Serbia fulfilled the formal requirements for full cooperation with the International Criminal Court. The domestic legal system is fully compliant with the requirements arising from accession to the Rome Statute, and over the past year, the Law on Cooperation with the International Criminal Court was adopted, and the Representative of the State at this institution was appointed. Also, in the previous period Serbia, through its representatives, actively participated in the activities of the Court bodies, expressing a continuing interest and willingness to support the International Criminal Court, including through the engagement of Mr. Vladimir Cvetković as a facilitator regarding a very important issue of Independent Oversight mechanism.

However, after the fulfilment of the formal preconditions for providing maximum support for the activities of the Court, the Republic of Serbia is determined to start a new stage, an even more concrete manifestation of its full commitment. Namely, we are convinced that, in addition to the harmonization of the national legislation and the willingness to fully respond to the requests of the Court regarding cooperation, we can make some further steps.

In this regard, in 2010 the Republic of Serbia has expressed willingness to sign the agreement on enforcement of the ICC sentences, which at this point is in the final stage, so we believe that the agreement will be signed shortly. The Republic of Serbia considers signing of this agreement to be yet another form of concrete support which can be provided, knowing that without the assistance of the Member States the Court, having no penal institutions of its own, would not be able to effectively perform the entrusted tasks. Also, we are open for further negotiations with representatives of the Court on the other forms of assistance.

In order to promote the International Criminal Court, the first international meeting entirely devoted to this institution and its development in the period from Rome to Kampala was organized in October in Belgrade. The participation of distinguished representatives of the International Criminal Court, senior government officials and local experts, were a concrete contribution to spreading the knowledge about the International Criminal Court and its mission. We are determined to continue to organize similar meetings with the participation of experts from the region, because we are convinced that much of the power of the Court lies in awareness and acceptance of its mission by the public.

Mr. President,

Tragic events of the recent past of our country have left a lot of serious consequences that Serbia still faces. Possibly the only positive aspect of such historical heritage is reflected in the experience that the local authorities have gained by trying the war crimes committed during the 1990's in former Yugoslavia. Today, as in the past ten years, local courts, prosecutor's offices and police collect evidence and carry out proceedings against the perpetrators of these crimes on a daily basis. During all these years and through numerous procedures, significant experience has been gained and important case law has been established. In addition, especially in the last decade, Serbia intensively cooperated with the International Tribunal for the Former Yugoslavia, whose activities and experience are also essential for any judicial body that will in the future process perpetrators of international criminal acts.

Therefore, we are positive that the experience of local experts in this field can be significant and extremely useful in the following period, both for the Court and for other national jurisdictions that face similar circumstances and we are willing to share this experience.

Thank you.