



REPUBLIC OF CROATIA

**SIXTH SESSION OF THE ASSEMBLY OF STATES PARTIES OF THE
INTERNATIONAL CRIMINAL COURT**

New York, 3 December 2007

**Statement by Mr. Gordan Markotić
Representative of the Republic of Croatia to the 6th Session of the ASP**

Mr. President,

Since this is the last session under your chairmanship allow me, at the outset, to congratulate you on a manner in which you have conducted your responsible task and for your tireless efforts in guiding our work.

As Croatia aligns itself fully with the statement delivered by Portugal on behalf of the European Union, please allow me to highlight just a few points that in our opinion deserve full attention of the Assembly.

Mr. President,

Croatia was the first country of the Southeast Europe which ratified the Rome Statute. That was not only due to the fact that Croatia was a country directly affected by the war and war crimes, but also as a country committed to establishing an international institution devoted to the implementation of criminal adjudication for the purpose of international justice.

Moreover, with the ratification of the Agreement on the Privileges and Immunities of the International Criminal Court in 2004, Croatia made one more step in the direction of enabling the real start and effective functioning of the Court.

My delegation welcomes Japan as the 105th state Party to the Rome Statute and call upon other States that have not yet ratified the Statute to consider doing so in the near future. Universal ratification of the Rome Statute is crucial to the Court's success.

Mr. President,

Although we are still at an early stage in the life of the Court the international community has very high expectations for the Court. Its establishment, which had been our common endeavor, was not an end in itself. It remains our common responsibility to effectively prevent conflicts, protect and promote human rights, uphold the international humanitarian law and the rule of law in general. Without putting an end to impunity, these efforts would remain incomplete.

Therefore Croatia recognizes a steady progress that the Court has achieved over five years of its existence. In particular, we welcome the important advancements made in 2007: the first referral of a case to the trial stage, the starting of the pre-trial proceedings, as well as the opening of a new investigations. At the same time we note with great concern that currently six arrest warnings are still awaiting their execution.

Mr. President,

Nothing can serve the interests of justice better than a functioning and credible Court. It is reassuring to note that in all aspects of its mandate the ICC has made its presence felt. However, the experience of the *ad hoc* criminal tribunals has made it all too clear how dependent justice is on the good will, not just of states, but other international actors. State cooperation and support are indispensable for making justice operational. It is of crucial importance that all States, not only those directly involved in cases before the Court and including non-State parties, cooperate with the Court. We also believe it is equally important that other actors – both regional and global, beginning with the United Nations - do not lose from sight the ICC dimension when dealing with the issues of peace and security that are of relevance for the Court's mandate. The Security Council has a very important role to play in this regard.

Mr. President,

The Court does not operate in a "textbook reality" and would be wrong to contemplate its mandate without paying attention to the ways its existence and actions can influence the decision-makers on the ground. However, the ICC is not a political tool. It is the expression of our collective will embodied in a treaty. It is

first and foremost a judicial body, that deals with the individual criminal accountability. This is of paramount importance because all crimes are individual. Allow me to quote Croatian Prime Minister Sanader who, recently participating in the session of the General Assembly dedicated to the International Criminal Tribunal for the former Yugoslavia said:

“A just outcome of the prosecutions is the only way to discourage those who today, or might in the future, consider repeating such crimes.

Just punishment is the best deterrent.

Just punishment must also be a measure of respect for the victims.

Just punishment must also serve truth and open the way to lasting peace, security and reconciliation. “

Finally Mr. President , let me reiterate Croatia's strong support to the Court and its activities and to wish successful work to this Assembly.

Thank you.