



**Check against delivery**

# **Assembly of States Parties to the Rome Statute of the International Criminal Court**

## **Seventh Session**

**Statement by HE Ms Lydia Morton  
Ambassador of Australia to the Kingdom of the Netherlands  
on behalf of Canada, New Zealand and Australia**

**The Hague, 15 November 2008**

Mr President

I have the honour to speak on behalf of Canada, New Zealand and Australia.

Let me reiterate at the outset the strong and unequivocal support CANZ has provided and will continue to provide to the International Criminal Court. It is through our collective support, cooperation and assistance that the Court will grow as a global institution of international criminal justice for serious crimes.

Mr President

CANZ is pleased to see the Court making significant steps forward. The Court has continued its investigations into four situations and the Prosecutor is examining possible situations in a range of countries. More arrest warrants have been issued. Charges have been confirmed against some suspects. These are all signs of a Court that is conducting itself according to its mandate.

We recognise that the Court continues to face challenges, particularly where it is entirely reliant on cooperation and support from others to fulfill its mandate. It is essential that States rise to meet these challenges. Failure to do so risks the international community betraying the victims of serious crimes. CANZ encourages all States, international organisations and civil society groups to assist the Court in practical ways.

We particularly welcome and commend the actions of the Democratic Republic of the Congo in surrendering Germain Katanga and Mathieu Chui to the Court and Belgium in arresting and surrendering Jean-Pierre Bemba Gombo to the Court. These actions are clear examples of the results that can be achieved with close cooperation with the Court.

CANZ again calls upon all relevant actors, including the authorities in Uganda and the Democratic Republic of Congo, to cooperate closely with the Court and with one another in ensuring the full implementation of their obligations under the Rome Statute, including the execution of the outstanding arrest warrants, and assisting the Court to fulfill its mandate.

In this light, we again urge the Government of Sudan to help bring an end to impunity for alleged human rights abuses and war crimes. In particular, we urge the Government of Sudan to cooperate with the Court and to take all necessary steps to arrest Minister of State for Humanitarian Affairs, Ahmad Harun, and to transfer him and militia leader, Ali Kushayb, to the Court for trial. Acting on the arrest warrants will demonstrate not only respect for the rule of law but also support for international criminal justice generally.

Mr President

We would like to record our appreciation for the ongoing work of the Assembly's Bureau in considering a range of important items in the intersessional period. We also commend the Court and Secretariat for their efforts in preparing for the seventh session of the Assembly. The earlier submission and finalisation of papers for the Assembly will assist in preparation and promote greater engagement by States Parties in the significant issues facing us.

Mr President

At this Assembly we must pay close attention to the proposed budget for the Court and the work of the Committee of Budget and Finance. We established the Committee in order to provide us with expert and independent advice and we should give due consideration to its recommendations. We look forward to working constructively with others during the Assembly on the range of important matters before us.

Mr President

CANZ looks forward to further discussions on the crime of aggression. This crime goes to the very heart of the collective security regime enshrined in the United Nations Charter. We were encouraged by the positive, although modest, progress made in the Special Working Group at the resumed sixth session of the Assembly in June. We acknowledge, however, that significant issues still need to be resolved. We urge all States to work in a cooperative spirit to help to bring these negotiations to a close well ahead of the Review Conference.

Mr President

Universal ratification of the Rome Statute is essential to the Court's long-term success. We must intensify our collective efforts to promote the universality of the Rome Statute. CANZ will continue its efforts to encourage further ratification and to give practical effect to the plan of action for achieving universality and full implementation of the Rome Statute.

We are pleased that there have been three additional ratifications and accessions to the Rome Statute in the last year. We welcome Madagascar, Suriname and the Cook Islands as recent parties to the Rome Statute. It is a remarkable achievement, and a demonstration of global commitment to the Court, that in a mere ten years since adoption of the Rome Statute we now stand at 108 States Parties. We hope that this momentum will encourage other States to join.

Mr President

CANZ supports efforts by the international community to take practical measures to assist in the delivery of international justice. The Justice Rapid Response mechanism, established last November, is an example of a mechanism that will enable the international community to channel and harmonise efforts to support the rapid identification, collection and preservation of the most perishable type of information relating to crimes under international law.

Mr President

It is our firm belief that the original conception of an international criminal court – that peace and justice are complementary – continues to be as essential today as it will be in the future. In particular, we must work with others to make sure any use by the United Nations Security Council of Article 16 to defer cases is only contemplated in exceptional circumstances. The political consideration around deferring cases must be kept separate from the legal and judicial processes of the International Criminal Court. We must be conscious that invoking Article 16 in anything but the most extraordinary circumstances

may deny or delay justice for egregious international crimes. Impunity for such crimes is not an option that should be contemplated and will detract from the promotion of the rule of law and the sustainable peaceful resolution of conflict.

As recognised recently by Judge Kirsch, the success of the Court will ultimately depend on it fairly, professionally and efficiently implementing its own mandate. It needs to act with the highest level of transparency and accountability. It must ensure the rights of suspects and accused, and protect victims and witnesses. Its proceedings must be held up to high legal, process and human rights standards. In all of this we are confident the Court will succeed.

However, the Court's success will also depend on the cooperation and support of States. This can be demonstrated through more ratifications of the Rome Statute, through practical assistance, through compliance with international obligations, and through public statements of support.

CANZ is pleased to continue to provide the Court with our steadfast support.

Mr President,

To this end, on behalf of Australia I am pleased to announce that we will contribute 35,000 euros to the Trust Fund for the Participation of Least Developed Countries. This contribution underlines Australia's strong support for the engagement of all States Parties with the Court.

I am also pleased to announce that we will contribute 50,000 euros to the Internship and Visiting Professionals Programme of the Court. Australia supports the dual benefits of this program both for the Court, through the valuable contributions of participants, and for the participants themselves, who return to their home countries with a deepened awareness and appreciation of the Court.

Mr President

In closing, I would like to express, on behalf of CANZ, our gratitude for Judge Kirsch's able leadership of the Court as its President over its formative years. Judge Kirsch has had a long and distinguished involvement with the International Criminal Court, including during the negotiation of the Rome Statute and the Court's Preparatory Commission, and as a judge. We wish him well for his future endeavours once his term on the Court expires in 2009.

Thank you