



TRINIDAD AND TOBAGO

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STATEMENT

by

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Embassy of the Republic of Trinidad and Tobago

To the Kingdom of the Netherlands

International Criminal Court

Seventh Session of the Assembly of States Parties

In the General Debate

The Hague, November 15, 2008

Mr. President,

Trinidad and Tobago has the honour and privilege to participate in yet another session of the Assembly of States Parties to the Rome Statute of the International Criminal Court (“the ICC”)

We were also pleased to be part of the activities which commemorated the tenth anniversary of the adoption of the Rome Statute which took place at United Nations Headquarters on July 17th of this year. During the celebrations Trinidad and Tobago joined with others in saluting the efforts of the international community in establishing the only permanent international tribunal charged with prosecuting those accused of genocide, war crimes, and crimes against humanity. As such, we were heartened by the honour bestowed on former President and Prime Minister of Trinidad and Tobago, the Honourable Arthur N.R. Robinson, for his contribution to international criminal justice, and his pioneering work together with others which led to the establishment of the court. Trinidad and Tobago is also highly appreciative of its election to the Bureau of the ASP and pledges its unswerving commitment to work with the President and other members of the Bureau in the interest of the ICC.

Mr. President

The Court has made tremendous strides since the adoption and entry into force of the Rome Statute and the election of the first bench of judges. More than one hundred States have conferred on the ICC jurisdiction to prosecute those crimes of major concern to members of the international community. In welcoming new States Parties, such as our sister CARICOM State of Suriname, we also applaud the ratification by the Netherlands of the Agreement on Privileges and Immunities. Trinidad and Tobago calls on other States to ratify or accede to the Statute and the Agreement on Privileges and Immunities.

The Rome Statute contemplates an ICC which has complementary jurisdiction with those of national courts and it is in this regard, States Parties have an obligation to implement in their domestic legal systems legislation to give full effect to their obligations under the Statute. Consequently, we take this opportunity to appeal to those States Parties which have not as yet done so to take the necessary measures to enact as soon as possible such domestic legislation in keeping with their obligations.

The ICC has shown that it is an independent, impartial tribunal with a bench of highly qualified judges and has demonstrated its competence in carrying out its mandate in a manner befitting of an international criminal tribunal. Most recently, we were witness to such impartiality and independence in the case of Thomas Lubanga Dyilo. We await further developments in the case with utmost faith in the judicial process.

Mr. President

The court continues to be at the centre of the system of international criminal justice. Trinidad and Tobago is hopeful that, like in the Lubanga case, other persons accused of committing severe crimes in the Democratic Republic of the Congo, Uganda, the Sudan and the Central African Republic will be brought to justice. In this regard, we urge those governments and other entities which have not as yet done so, to cooperate with the court so that the victims and the international community as a whole would not lose faith in an institution which was established to fight impunity. If impunity is allowed to reign, the maintenance of international peace and security and the promotion of justice would be severely compromised.

Mr. President

Without the cooperation of States Parties, it would be difficult, if not impossible, for the ICC to fulfill its mandate envisaged in the Rome Statute. We are of the view that States must respect their treaty obligations and cooperate with the court. Effective and timely cooperation of States Parties is essential for the execution of arrest warrants, the surrender of accused persons, and the protection and relocation of witnesses. The cooperation of States would also ensure that the right of victims to participate in the trial of alleged offenders would not be hindered.

Mr. President,

Trinidad and Tobago expects this session of the ASP to make meaningful progress towards the convening of the Review Conference. In this vein, we urge States to adopt a spirit of compromise in the Special Working Group on the Crime of Aggression so that we could have a draft text defining the crime of aggression in advance of that conference. We also reiterate earlier calls for consideration to be given for inclusion on the agenda of the Review Conference discussion on the merits of international drug trafficking as a crime within the jurisdiction of the court. Such discussion would be consistent with the decision of the Final Act of the 1998 Rome Conference.

Of particular importance to the hosting of the Review Conference, Mr. President, is a suitable venue. Consequently, we call on this body to once more examine and give favourable consideration to the very generous offer made by the Government of Uganda to host the conference.

Mr. President

We wish to bid adieu to the illustrious Phillipe Kirsch, outgoing President of the ICC. States Parties and others owe a debt of gratitude to President Kirsch for his tremendous efforts in steering the court in its formative years. Trinidad and Tobago is confident that in departing from the court, President Kirsch would have left behind an institution whose foundation is built upon the aspirations of all those past and present who believe that peace and justice are inextricably

linked to one another. Mr President, **to sacrifice one on the altar of political expediency is to fatally injure the other.**

Finally, Trinidad and Tobago would welcome the support of all States Parties for the candidature of Justice Mohammed Shahabuddeen, the CARICOM –endorsed candidate, for election as a judge of the ICC at elections scheduled during the Resumed Seventh Session of the Assembly of States Parties.

Mr. President, I thank you.