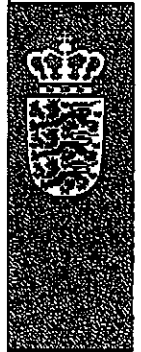


Statement by
H.E. Ambassador Carsten Staur
Permanent Representative of Denmark



**Assembly of States Parties
to the International Criminal Court
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Mr. President,

The International Criminal Court has come into operation remarkably quickly and is steadily gaining universal recognition and legitimacy. Already, the Court is actively engaged in a number of situations bearing witness to the fact that the Court has an important role to play in ensuring justice in some of the most horrendous conflicts. Substantial progress has been made in investigations and judicial proceedings and the work of the Court gives great confidence that progress will continue. The ambition of the Rome-Conference - to create a universally accepted, international criminal court to end impunity - is being fulfilled.

At the same time, the situations on the Court's case list show the complexity and the challenges the Court faces in its work. These challenges are substantial. Perceived or real tensions between peace and justice, difficulties in enforcing arrest warrants, securing protection of witnesses and obstacles to collecting evidence and are but some of the challenges faced by the Court today.

A number of important issues should be addressed in order to meet these challenges. A central task is ensuring states' cooperation with the Court. The Court relies on State Parties to assist the Court in a variety of ways and this makes it all the more crucial that States Parties are ready to provide the necessary support to and cooperation with the Court.

As the EU presidency has pointed to in its statement, to which Denmark fully subscribes, the EU and its member states are for example already engaged in a host of activities aimed at promoting the universality of the Court by assisting ratification and giving technical assistance to drafting and enacting implementing legislation. But more needs to be done on cooperation.

This year important work has been carried out by The Hague and the New York working groups of the Bureau on cooperation. The Bureau submitted its report on cooperation to the Assembly on 19 October 2007. For Denmark it was a great honour that the Danish ambassador to The Hague, ambassador Kirsten Biering, was given the task of facilitating this work in The Hague Working Group, together with our able colleague from the Netherlands here in New York. After a very productive interaction between State Parties and the Court organs we believe that the report on cooperation provides a comprehensive list of the issues that require our attention. And, as importantly, points to a way forward in resolving these issues. In this regard it is important to note, that there is something to be done by all states. Denmark stands ready to continue to work actively to promote an enabling environment for the Court and to contribute to the development of the necessary framework, together with all partners.

Mr. President,

As President Kirsch stated in his address to the United Nations General Assembly earlier this autumn the outstanding arrest warrants are the most significant issues to be addressed: To quote: "Without arrests, there can be no trials. Without trials, victims will again be denied justice and potential perpetrators will be encouraged to commit new crimes with impunity".

This, unfortunately, is a very accurate diagnosis. Not only with regard to the arrest warrants against LRA leaders, but particularly in relation to the situation in Darfur. On April 27 this year an arrest warrant was issued against Ahmed Haroun. But to this day he remains a free man. The same is the case with regard to Ali Kushayb who is likewise indicted on more than 40 accounts of crimes against humanity and war crimes. This is not acceptable. It is time the international community puts its weight

behind ensuring that those responsible for the horrific crimes committed in Darfur are brought to justice. We note that the Prosecutor will brief the Security Council on 5 December on investigations relating to Darfur and we call on the Council to send a very clear message to the Sudanese government insisting on implementation of the arrest warrants in accordance with Resolution 1593.

Mr. President,

Before I conclude, allow me a few comments on the up-coming Review Conference. It will certainly be an opportunity to take stock of achievements already made. And perhaps to move forward if there are provisions of the Statute which could work better or otherwise need to be amended. While remaining ambitious, especially when it comes to reaching agreement on a definition of the crime of aggression, we believe it is crucial that the Review Conference should be a uniting and consolidating event. An event where results achieved have the requisite strong support among States Parties. For a young institution like the ICC, facing significant challenges in securing the cooperation also of non-state parties, it is essential that we as States Parties and all other supporters of the Court have realistic expectations for the first Review Conference.

Thank you, Mr. President.