

S U O M I



F I N L A N D

Check against delivery

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

6th Session

General Debate

**Statement by
Ms. Marja Lehto
Director, Legal Department
Ministry for Foreign Affairs of Finland**

New York, 4 December 2007

PERMANENT MISSION OF FINLAND TO THE UNITED NATIONS
866 United Nations Plaza, Suite 222 • New York, NY 10017
Tel: (212) 355-2100 • Fax (212) 759-6156
E-mail: sanomar.yka@formin.fi • Website: www.un.int/finland

Mr President,

It is a privilege for me to speak on behalf of Finland at the sixth Session of the Assembly of States Parties. Finland fully associates itself with the statement delivered by the Portuguese Presidency of the European Union.

Mr President,

Finland wishes to commend the Court and the Prosecutor for the progress made since the last Session of the Assembly of States Parties. In the situation in the Democratic Republic of the Congo, charges against Mr. Thomas Lubanga Dyilo have been confirmed and the Court is now preparing for his trial. Furthermore, the Congolese authorities have surrendered and transferred Mr. Germain Katanga to the Court. In the situation in Darfur, arrest warrants have been issued against Mr. Ahmad Harun and Mr. Ali Abd-al-Rahman. The Prosecutor has also announced the opening of an investigation into the situation in the Central African Republic.

The Court has nevertheless faced a serious challenge hampering further progress in the situations in Uganda and Darfur, where arrest warrants still remain to be executed. It is also, to say the least, embarrassing that one of the indicted, Mr. Ahmad Harun, has been appointed by the Sudanese Government as co-chair of a human rights investigation committee. Finland calls on all States to comply fully and unconditionally with their obligations under the Rome Statute and the Charter of the United Nations. It is equally important that States Parties intensify their diplomatic and public support to the Court in a consistent and coordinated manner.

Mr President,

Finland welcomes the two reports on cooperation submitted by the Court and the Bureau of the Assembly of States Parties. The measures envisaged therein show that States Parties have a wide range of ways to support the effective functioning of the Court. First of all, States Parties have the obligation to ensure that they have the necessary national procedures and structures for cooperation. States Parties should also seek to enhance cooperation with the Court through ratifying the Agreement on Privileges and Immunities, as well as other cooperation agreements.

Finland has supported the Court both nationally and through the European Union and will continue to do so. When ratifying the Statute in 2000, Finland enacted implementing legislation pursuant to Article 88 of the Statute and legislation necessary for investigating and prosecuting nationally crimes under the jurisdiction of the Court. Further amendments are now envisaged to the Penal Code to ensure full compatibility with the definitions of the crimes in the Rome Statute in view of the requirements of complementarity. Should other States contemplating similar action be interested in our experience, we would of course stand ready to share information of it.

Finland has also ratified the Agreement on Privileges and Immunities and has entered into an agreement on the relocation of witnesses. Moreover, Finland is currently negotiating an agreement on the enforcement of sentences with the Court.

Mr President,

States Parties should also search for innovative ways to promote the effective functioning of the Court. In this respect, Finland wishes to draw States Parties' attention to two important projects.

The first one is the Nuremberg Conference on Building a Future on Peace and Justice, which was organized last June by Germany, Finland and the Hashemite Kingdom of Jordan together with the International Center for Transitional Justice and the Crisis Management Initiative. The conference aimed to contribute to a better understanding of the tensions that may arise in peace negotiations and post-conflict peace-building between peace and justice and to produce concrete recommendations for action to cope with such tensions. The impact of the ICC was one of the key elements addressed in the Conference. The conference sent a clear message that peace and justice are not contradictory notions and that there cannot be sustainable peace without justice.

The second project is the Justice Rapid Response initiative which is supported by several States Parties, international organizations and NGOs. The Justice Rapid Response is an international cooperative mechanism for the supply of expertise and assistance to post-conflict States or international institutions in the areas of the identification, collection and preservation of evidence on the crimes under the Rome Statute. The aim is to strengthen complementarity and provide assistance for a wide range of international and transitional justice options. In their meeting last week here in New York, Justice Rapid Response participants adopted the necessary measures to render this mechanism operational.

Mr President,

Finland warmly welcomes the accession of Chad and Japan to the Statute of the Court. Japan's accession sets an important example in a region that remains underrepresented within the States Parties.

Mr President,

The establishment of the Trust Fund for Victims has marked a milestone in the international community's efforts to address the plights of victims of large-scale atrocities. The projects identified in the Democratic Republic of the Congo and Uganda provide excellent examples of outreach to victims. States Parties should ensure that the Secretariat of the Trust Fund is given the necessary resources and support for performing the tasks entrusted to it. Finland has continued its financial support to the Fund and encourages other States Parties, as well as institutions and individuals to support the Fund.

Mr President,

The Assembly should take an active role, together with the Focal Point and the Secretariat, in the preparation of the Review Conference. The choice of venue should ensure as broad participation in the Conference as possible and serve the needs of visibility and outreach. The crime of aggression will have a prominent place in the agenda of the Review Conference, and we are pleased to note that important headway has been made with regard to the definition of the crime and the conditions for the exercise of the Court's jurisdiction. We are confident that well-prepared proposals on the crime of aggression enjoying the broadest possible support can be submitted to the Conference.