



# **STATEMENT**

**BY**

**H.E. Mrs. Margaret Hughes Ferrari**

**Permanent Representative of Saint Vincent and the Grenadines to the  
United Nations**

**On behalf of**

**THE CARIBBEAN COMMUNITY (CARICOM)**

**ON**

**AGENDA ITEM 74 – “REPORT OF THE INTERNATIONAL  
CRIMINAL COURT”**

**AT**

**THE 61<sup>st</sup> SESSION OF THE GENERAL ASSEMBLY**

**NEW YORK  
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Madam President,

I have the honour to speak on behalf of the Member States of the Caribbean Community (CARICOM).

We thank the President of the International Criminal Court, Judge Philippe Kirsch, for introducing the second annual report of the ICC to the United Nations. CARICOM notes with satisfaction the progress made in the development of the Court into a fully functioning judicial institution. In particular the report details some significant milestones in the activities of the Court including the first Warrants of Arrest for five members of the Lord's Resistance Army (LRA) who are charged with crimes against humanity and war crimes. As the report notes, none of the five LRA members has yet been arrested since the Court does not have its own police and must rely on the cooperation of States in this regard. We call on the member States concerned to offer full and unconditional cooperation to the Court so that the judicial process may be continued and justice delivered. We commend those States that have cooperated in the arrest and surrender to the Court of Thomas Lubanga Dyilo who is charged with war crimes including enlistment and conscription of children under the age of 16. The Court was thus able to bring its first proceedings against an accused.

Madam President, it is vitally important for the credibility and international recognition of the Court that it is seen to be functioning appropriately in its role in bringing to justice those responsible for crimes of genocide, war crimes and crimes against humanity – which have caused such great suffering and oppression and the weak and vulnerable populations of the world. Thus we cannot stress too highly the need for its judicial officers and other staff to remain highly motivated and committed and for all Member States of the United Nations to cooperate fully with the Court as it strives to perform its critical role.

CARICOM Member States wish to underline, at this juncture, the fundamental importance of the cooperation of the international community with the Court in order to ensure that the Court successfully fulfills its mandate. As established in the Rome Statute, the principle of complementarity requires that the State concerned exercise the first option to try the persons responsible for the crimes within the jurisdiction of the Court; when the Court must act, however, it *must* be able to rely on Member States, international and regional organizations, civil society and other actors. It is essential that they provide the necessary cooperation and assistance to the Court in its many tasks, including the provision of evidence, the carrying out of arrest warrants and the surrender of accused persons to the Court, and in the area of the protection and relocation of witnesses. The cooperation provided by, for example, the Governments of the DRC, Uganda and Chad has enabled the Office of the Prosecutor to achieve significant progress in its investigations relating to the situations before the Court. We commend the work of the Office of the Prosecutor, some of which puts the staff of that Office at risk, and we are encouraged by the progress made towards bringing to trial the persons responsible for the situations being investigated, and its contribution to the development of the work of the Court. In addition, Madame President, the Court cannot conduct its many functions without the necessary financial resources. We therefore wish to encourage States Parties who have not yet done so to pay their assessed contributions to the Court in full and on time.

We view the cooperation agreements entered into by the Court and other actors as progressive steps towards the successful operation of the Court. We welcome in this regard the

agreements signed between the Court and the European Union and the ICRC, and note that the ICRC has already conducted a visit to the Detention Centre. We look forward to the conclusion of the agreements being negotiated with the African Union and the Asian-African Legal Consultative Organisation in the near future, and the benefits which will flow to the Court.

Another important area of cooperation with the Court is the indication by States of their willingness to accept sentenced persons to serve their sentences on their territories. We hope that the agreement concluded between the Court and the Government of Austria for the acceptance of persons sentenced by the Court is the first of such agreements with States, and we encourage those States in a position to do so to also offer to accept persons sentenced by the Court, in accordance with the Statute.

Madam President, effective collaboration between the United Nations and the Court is a crucial factor in the success of the Court. The Relationship Agreement, signed two years ago by the President of the Court and the Secretary-General of the United Nations on behalf of their respective institutions, affirms the independence of the Court while at the same time establishing a framework for cooperation. CARICOM trusts that this collaboration will be forthcoming from all quarters of the United Nations. The Agreement articulates the unique cooperation between these two institutions in their shared goals of maintaining international peace and security and should be fully respected and implemented by both organisations. In this regard, the operational cooperation between the UN and the Court rendered by MONUC to the ICC in the DRC relevant to the arrest and surrender of Mr. Lubanga Dyilo is a positive step in the relationship.

In addition, we welcome the establishment of the New York Liaison Office of the Court, and the recent appointment of the Head of that Office. It will further facilitate the cooperation between the two institutions under the Relationship Agreement, and will be the "face" of the Court in New York, the office to which States, international and regional organizations, civil society and individuals will have recourse on matters they believe to be of concern. It will also facilitate the meetings of the Assembly of States Parties in New York. On that note, Madame President, CARICOM strongly supports the holding of meetings of the ASP in New York, so as to ensure wider participation by States Parties and Observer States, since all States, developed and developing, already have diplomatic representation in New York.

CARICOM warmly welcomes the two most recent States Parties to the Rome Statute, one of our own member States, Saint Kitts and Nevis as well as Comoros thus bringing the numbers of States Parties to 102. We encourage other Members of the international community to become States Parties, so that the goal of universal ratification may become a reality. We also urge States Parties to ratify or accede to the Agreement on Privileges and Immunities of the Court, as well as to enact the necessary implementing legislation for both these important instruments.

CARICOM is pleased that the Trust Fund for Victims is now becoming a reality and commends those whose hard work and commitment has made this possible. We welcome the election earlier this year of the new members of the Board of Directors of the Trust Fund, former President of Trinidad and Tobago, Mr. A.N.R. Robinson. We encourage States in a position to do so to contribute to the Fund. The ICC is the first court that recognizes the role of victims by enabling them and their families to seek reparation for genocide and other crimes

against humanity. We commend the work being undertaken by the Court to provide support and assistance to victims, and enable their participation in the proceedings of the Court, as appropriate. It is important that, in so doing, the rights of the defendants enshrined in the Rome Statute, are fully respected and upheld.

The outreach activities in which the Court is engaged are far-reaching, and we encourage such contact with local communities, especially those affected by the situations under investigation. We believe that spreading the message of Court through such contact at the grassroots level with, *inter alia*, local journalists and media, legal associations and NGOs, is an important tool of the Court towards reaching out to victims and informing them of the possibilities for the participation in the process and for reparations.

Madam President, in closing, CARICOM Member States wish to reaffirm our support for and commitment to the ICC. We are aware of the important role of the Court in the International Community and the fact that it remains, for some victims of genocide, war crimes and crimes against humanity, the last bastion of hope for justice and compensation. We must all strive to protect the integrity of the Court and encourage others to do so including not only States Parties and States concerned but international and regional organizations as well as NGO's in such areas as preserving and providing evidence, sharing information and securing the arrest and surrender of persons to the Court. It is the hope of CARICOM States that this cooperation will be willingly given to enable to Court to fulfill its mandate and meet the complex challenges that lie ahead.

Thank you, Madam President.

New York  
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