



**ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT
ASSEMBLY OF STATES PARTIES**

FIFTH SESSION

The Hague, 23 November - 1 December 2006

**Statement by Mr Pekka Oinonen,
Representative of Finland
on behalf of the European Union**

The Hague, 23 November 2006

Mr President,

It is a privilege for me to have the opportunity to speak on behalf of the European Union at the fifth session of the Assembly of States Parties.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

***Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.**

Mr President,

First of all, the European Union would like to congratulate you Mr. President, the Bureau of the Assembly, the Secretariat of the Assembly, the Court, the Committee on Budget and Finance, the Board of Directors of the Trust Fund for Victims and the Working Groups in the Hague and New York for preparing a set of high-quality documents that will enable the Assembly to engage in rich discussion and take informed decisions. The EU would also like to express its satisfaction with the work programme of the present session, which has taken into account the substantial amount of work ahead of us and especially the concerns of smaller delegations.

Mr President,

The European Union commends the Court for the work it has done during the past year. As the progress made in the situation in the Democratic Republic of the Congo has shown, the Court has now entered into a new phase in its proceedings with the arrest of Thomas Lubanga Dyilo and his transfer to the Court in March. The Court's first trial will have a pivotal role in testing the elaborate structure created by the Rome Statute, and it will be a landmark case in the fight against impunity.

The European Union recognizes the complex challenges the Court has faced in securing evidence and protecting victims in the situation in Darfur. The European Union calls upon all states to comply with the relevant Security Council Resolution. The situation in Uganda has shown the difficulties that exist in ensuring adequate co-operation for the execution of arrest warrants, and the need for States Parties to adhere to their obligations under international law and especially the Rome Statute.

These recent developments have brought the Court to the centre of the attention of the international community. They have shown the importance of state cooperation at all stages of the process starting with the arrest warrants. They have also shown that peace and justice are not mutually exclusive and that this has to be made clear to the parties to a conflict if we want to succeed in building universal accountability on the basis of the Rome Statute.

Indeed, the Court cannot function without the cooperation of States Parties. We call upon all States Parties to fully cooperate with the Court, to ratify the agreement on privileges and immunities and to conclude agreements on the relocation of witnesses and the enforcement of sentences. In view of the increasing activity of the Court, we must also begin contemplating the consequences of non-cooperation - in case a State Party refuses to cooperate with the Court. It would be advantageous to elaborate these consequences in abstract, rather than in the presence of a specific case.

The European Union is pleased to have concluded an agreement with the Court on cooperation and assistance in April this year and encourages other relevant organizations, including the African Union, to formalize their cooperation with the Court.

It is for the States Parties to promote the universality and integrity of the Rome Statute. Ending impunity for the most serious crimes of concern to the international community is a priority for the European Union. The Member States of the European Union remain committed to supporting the universality and integrity of the Rome Statute in line with the Union's Common Position and Action Plan and encourage other States Parties to intensify their efforts in this respect.

States Parties must fully implement their obligations under the Statute. The Court is tailored for exceptional cases only, and states have the primary responsibility to bring perpetrators to justice. In respect of achieving both universality and full implementation of the Rome Statute, we welcome the draft Plan of Action, which includes many of the activities currently undertaken by the European Union and its Member States. The EU looks forward to assisting States Parties in the implementation of the Rome Statute and wishes to draw attention to the invaluable work done by the Coalition for the International Criminal Court and its members in our joint effort of promoting the ratification and implementation of the Rome Statute.

Furthermore the European Union wishes to draw attention to the importance of timely payment of the contributions, which are assessed by the Assembly in accordance with an agreed scale of assessment.

Mr President,

The European Union would like to congratulate the Court for adopting its first Strategic Plan, which is instrumental for planning the Court's activities and, in particular, in considering the budget and the issue of premises in this session of the Assembly. According to the Strategy, the Court will ensure fair, effective and transparent proceedings. These goals are indeed in line with the fundamental values of the European Union. The European Union wishes that the Strategy's development will be followed closely in future sessions of the Assembly of States Parties by progress reports or updates as appropriate.

The European Union also welcomes the Court's efforts with respect to outreach and looks forward to discussing the Court's Strategic Plan on Outreach during the next days. The Rome Statute has recognized the central role of victims in the Court's proceedings and provided specific reparations for them. Local populations affected by crime share an unbearable burden of atrocities. While justice and peace are not conflicting goals, individual accountability for the most serious international crimes plays an integral role in any peacebuilding effort. In this connection, the European Union wishes to call on States Parties to contribute to the Trust Fund for Victims.

Lastly, Mr. President,

The European Union looks forward to a thorough consideration with all delegations of the issues before this session of the Assembly of States Parties in a fruitful and open spirit that will enable us to make substantial progress in the fight against impunity for the most heinous crimes under international law.

I thank you.