

**THEMATIC EXCERPTS OF PLENARY STATEMENTS ON AGENDA ITEM 74:
REPORT OF THE INTERNATIONAL CRIMINAL COURT
61ST SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
9 OCTOBER 2006**

On 9 October 2006, International Criminal Court President Judge Philippe Kirsch presented the Court's second report to the United Nations General Assembly. Following the presentation, 23 UN Member States, which spoke on behalf of more than 100 nations, made substantive interventions which included support for the ICC's work, comments about developments at the Court to date and calls for stronger cooperation with the Court from both the UN and States Parties.

Statements were made by (in alphabetical order):

Argentina, Brazil, Croatia, Democratic Republic of the Congo, Ecuador, Egypt, Finland (on behalf of the European Union, the acceding countries Bulgaria and Romania, the Candidate Countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the EFTA country Iceland, members of the European Economic Area, as well as Ukraine and the Republic of Moldova), Japan, Jordan, Kenya, Liechtenstein, Mexico, New Zealand (on behalf of New Zealand, Australia and Canada), Norway, Peru, Saint Vincent & the Grenadines (on behalf of CARICOM: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago), Serbia, Sierra Leone, South Africa (on behalf of the African States members of the ICC: Benin, Botswana, Burkina Faso, Burundi, Central African Republic, Congo (Brazzaville), Democratic Republic of Congo, Djibouti, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritius, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Tanzania, Uganda, Zambia), Switzerland, Trinidad and Tobago, Ukraine and Uruguay.

The following excerpts, presented thematically, were compiled by the Coalition for the International Criminal Court Secretariat (CICC) and were taken directly from the official UN meeting records (A/61/PV.26 & A/61/PV.27).

<u>Thematic Subjects:</u>	<u>Page Number:</u>
Arrest Warrants	2-3
Complementarity	3-4
Cooperation from States Parties and/or the United Nations	4-8
Crime of Aggression	8-9
Deterrence	9-10
Integrity of the Rome Statute	10
Issues on the Agenda of the 5 th Session of the ASP	10-11
Outreach	11-12
Peace and Justice	12-14
Security Council and the ICC	14-15
Trust Fund for Victims	15
List of Speakers	16-17

ARREST WARRANTS

Argentina

“The authorities of the Sudan, Uganda and the Democratic Republic of the Congo must fully cooperate to arrest persons against whom arrest warrants have been issued.”

Brazil

“Last year, the Court unsealed its first five arrest warrants. In March 2006, it received in custody the first person arrested pursuant to a warrant issued by the Court. Pre-trial and appeals proceedings continued to take place for trials to begin late this year or early next year. That activity testifies to the vitality of the institution which has now reached the stage of full functionality.”

Ecuador

“[T]he strenuous efforts made to make progress in judicial proceedings have had to contend with the painful reality that arrest warrants, which are the only way to ensure the holding of a trial and, ultimately, the end of impunity, have not been carried out.”

Finland

“[T]his body is a living institution, with the unsealing of the first arrest warrants against five leaders of the Lord’s Resistance Army, as well as the first proceedings against an accused. In this respect, the EU welcomes the arrest and surrender of Mr. Lubanga to the ICC by the authorities of the Democratic Republic of the Congo and his subsequent transfer to The Hague.

[...]

As the ICC does not have enforcement capacity, assistance is particularly needed for the arrest of suspects, the provision of evidence, the relocation of witnesses and the enforcement of sentences. Under the Rome Statute, it is the States parties that bear responsibility for arresting suspects and delivering them to the Court for prosecution.”

Kenya

“We particularly welcome the first arrests in respect of the Democratic Republic of the Congo and expect that the initial trial will set the pace for further trials and increase confidence in the Court.”

New Zealand

“In the first successful execution of an International Criminal Court arrest warrant, Thomas Lubanga, a Congolese national accused of war crimes, was arrested and surrendered to the Court in March. This is a significant step.

But, we need to remember that the Court is only an institution. It relies on States and international and regional organizations to assist in the arrest and surrender of accused persons, the provision of evidence, the protection of witnesses and the enforcement of sentences. Five arrest warrants were issued last October against members of the Lord’s Resistance Army accused of sexual enslavement and the forced enlistment of child soldiers. None of those warrants have been executed.”

Peru

“[N]one of the members of the Lord’s Resistance Army — who are accused of crimes against humanity or war crimes — has yet been arrested or surrendered to the Court. That is a situation that Peru regrets. Therefore, Peru urges all States and the United Nations, and particularly the Security Council, to cooperate to ensure the effectiveness of the arrest warrants and to support the Office of the Prosecutor in its commendable work to seek justice and combat impunity, particularly in the situations in Uganda and the Democratic Republic of the Congo and the situation in Darfur, the Sudan, referred to the Court by the Security Council in its resolution 1593 (2005).”

Saint Vincent and the Grenadines

“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 the enlistment and conscription of children under the age of 16.”

COMPLEMENTARITY

Democratic Republic of the Congo

“[T]he Court will be able to play its full role only if it can meet the expectations of devastated people in faraway regions of the world who are clamouring for justice [...] However, we should note that they are aware of the limits of the Court’s action, particularly because of the application of the principle of complementarity and because of the average length of an investigation, [or] a trial.”

Egypt

“The role of international tribunals is complementary to that of national legal systems, which are the competent authorities to bring to justice those who commit such crimes. Prosecuting such persons is part of a State’s responsibility in ensuring peace and security for its citizens and in guaranteeing domestic stability.”

Finland

“The ICC plays a significant role in ensuring accountability where national judicial systems have failed – or are not willing or able to function.”

Kenya

“The primary responsibility for prosecuting those responsible for genocide, crimes against humanity and war crimes falls within national jurisdictions. The Court assumes responsibility only when it becomes evident that the concerned State is unable or unwilling to prosecute those crimes. It is our understanding that this core principle of the Statute should override other considerations and inform the decisions of the Court in carrying out investigations and conducting proceedings.”

Liechtenstein

“The ICC was designed as an institution that promotes and delivers justice, based on the principle of complementarity, and that thereby contributing to peace.”

Mexico

“The Court has limited resources at its disposal. [...] We must not forget that the Court works on the basis of complementarity. It is therefore up to States parties to initiate and carry out prosecutions of those responsible for committing on their territory some of the crimes covered under the Statute.

[...]

[C]omplementarity must be viewed as a positive approach to encourage proceedings where possible, rely on national and international networks and to participate in a system of international cooperation.”

Norway

“Norway [...] firmly believes that the ICC has a crucial role to play in ensuring justice, as a complement to national systems, in order to achieve accountability for genocide, crimes against humanity and war crimes.”

Saint Vincent and the Grenadines

“As established in the Rome Statute, the principle of complementarity permits the State concerned to exercise the first option to try the persons responsible for the crime within the jurisdiction of the Court.”

South Africa

“[...] States deliberately chose to make the Court complementary to national justice systems and not concurrent [...] The result of that architecture is that the Court is an effective judiciary organ but is operationally very dependent upon the cooperation it receives from States. Thus, the Court and States, in a complementary relationship, constitute the international justice system that is the International Criminal Court.”

COOPERATION FROM STATES AND/OR THE UNITED NATIONS

Argentina

“All State parties, but also those that are not, must cooperate in order to strengthen the Court and ensure its independence and success.

[...]

Cooperation with the Court should take place in the capitals of Member States, in New York and at The Hague. There must also be cooperation on the ground [...] In that connection, the United Nations must continue to play a constructive role while utilizing its experience in the areas of police and security.”

Brazil

“Given the intricacies of the relationship between the United Nations and the International Criminal Court, Brazil welcomes the close cooperation between the two institutions and believes that they should continue to work together to fulfill their shared goals. In that regard, we note with satisfaction the recent Relationship Agreement between the ICC and the United Nations as well as the establishment of the ICC liaison office in New York.

[...]

The ability of the ICC to fulfil its high functions depends upon the support it receives from States. The Court needs the effective support of all States Parties, but also that of the international community as a whole.”

Croatia

“With the first trials to begin shortly, the Court is facing a reality check. As the ICC does not have its own enforcement capabilities, our support and cooperation which has brought it into life four years ago, is no less critical today. We, the States Parties, are its missing executive arm.”

Ecuador

“[I]t is crucial to strengthen the cooperation of States and international organizations to ensure that arrests, the provision of evidence and the relocation of witnesses, among other things, are carried out in an effective, transparent and timely manner. [...] Given the situation in which the Court currently finds itself, we should perhaps consider what measures are necessary to effectively implement the Statute’s provisions regarding cooperation in the absence of such willingness.”

Finland

“[T]he European Union cherishes the deepened cooperation with international organizations, in particular with the United Nations. The United Nations is a critical partner to the ICC in the field, as it may be in a position to provide the Court with evidence or logistical support. We are pleased that the liaison office of the ICC to the United Nations has just been established.

[...]

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

[...]

As the ICC is now truly operational, the effective cooperation and assistance by States, as well as the United Nations and other international and regional organizations extended to the Court has become more important. Bringing the perpetrators of the most serious crimes to justice is not only in the interest of victims and affected communities, but also serves the interests of the international community as a whole.”

Jordan

“[T]he Relationship Agreement between the Court and the Organisation [...] will continue to strengthen as the demands made on the Court continue to mount.

[...]

Jordan is aware of the difficult conditions on the ground under which the Court has to work. Jordan calls upon all States, relevant regional organisations and United Nations operations to engage positively with the Court, to provide it with the necessary support in the field and to help it carry out its mandate by providing it with the necessary operational assistance.”

Kenya

“We wish to emphasise that cooperation from Member States and from other international organisations is a prerequisite to the success of the Court. In that regard, we are pleased that the Court has over the past year developed a comprehensive framework for institutional cooperation

with the United Nations as well as with States and regional organisations. It is evident that the Court's cooperative arrangements with the United Nations have been instrumental in the success of activities of the Court in all of the situations under investigations by the Court."

Liechtenstein

"While being an independent institution, however, the Court cannot act alone and in a vacuum. [...] Such cooperation can take many forms and must come both from Member States and from the United Nations system, in particular from the field operations it has established. In this respect, we welcome the establishment of the Court's liaison office in New York, which will help promote cooperation between these two organizations."

Mexico

"States parties have a basic obligation to cooperate in the investigation and prosecution of crimes within the Court's jurisdiction. [...] Without this basic cooperation, the Court would be prevented from carrying out its mandate. [...] But the complexity of the Court's work [...] also creates an obligation for the rest of the international community. In that respect, dialogue between the Court and States parties must focus more clearly on identifying expectations of cooperation in all its ramifications.

[...]

The Relationship Agreement between the ICC and the United Nations provides a legal framework for developing greater and more effective cooperation.

[...]

[W]e welcome the decision of the Assembly of States Parties to open a liaison office in New York which will serve to creatively develop cooperation with the United Nations."

New Zealand

"We call on all States, likewise, to cooperate with the International Criminal Court, directly as well as through the United Nations, in order to facilitate its contribution to our collective goals of peace, security and justice."

Norway

"We are very pleased to note the strengthening of the relationship between the ICC and the United Nations.

[...]

Norway expects States that have legal obligations according to the Statute, or who have entered into cooperation agreements with the Court, to comply with them and to demonstrate in practice their commitment to justice."

Peru

"[I]f the ICC is to carry out its functions, it must receive the support and cooperation of States, international organizations, non-governmental organizations and society in general.

[...]

[T]he progress made over the past year in judicial investigations and proceedings is due to the cooperation and assistance that the Court has received. Those matters still involve enormous challenges and require greater cooperation and assistance.

[...]

As the President of the Court indicated in his presentation, the investigations being conducted on the ground by the Office of the Prosecutor are facing security problems both for Court staff and for witnesses and victims. Therefore, cooperation among States and the cooperation that should develop between the Court and the United Nations under the Relationship Agreement signed between them are of the utmost importance.”

Saint Vincent and the Grenadines

“It is essential that they [States Parties and wider international community] provide the necessary cooperation and assistance to the Court in its many tasks [...] 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 view the cooperation agreements entered into by the Court and other actors as progressive steps towards the successful operation of the Court.

[...]

Effective collaboration between the United Nations and the Court is a crucial factor in the Court’s success. The Relationship Agreement [...] affirms the independence of the Court while at the same time establishing a framework for cooperation.

[...]

We also welcome the establishment of the New York liaison office of the Court, and the recent appointment of the head of that Office.”

Serbia

“As much as the success of the International Criminal Court depends on the support of Member States, it still requires more extensive collaboration with the world’s multilateral institutions, primarily the United Nations, an institution founded on the very same noble principles, in particular the maintenance of international peace and security. This clearly demonstrates the necessity of full implementation of the Relationship Agreement between the two institutions. With this in mind, we view the establishment of the ICC liaison office in New York as a significant step.”

Sierra Leone

“[W]e believe that the unfettered cooperation of States, especially those in areas where investigations are ongoing, is crucial for the work of the Court. Here, regional organizations like the African Union can play a significant role in securing the cooperation of States in affected areas. Such cooperation will enhance the capacity of the Court to bring to justice the perpetrators of heinous crimes that prick the conscience of humanity.

[...]

The cooperation and support of the United Nations is crucial if the International Criminal Court is to fully become an effective international criminal justice institution.”

South Africa

“The Court continues to be in need of United Nations support. Specifically, the liaison office of the International Criminal Court that is being established in New York continues to need the support of the United Nations.

[...]

It will also be necessary, in our efforts to cooperate with the Court, to make a list of the areas in which the International Criminal Court will need cooperation and to establish mechanisms for how we, as States, will extend to the Court such cooperation individually, jointly and through intergovernmental organizations.”

Switzerland

“We are particularly pleased at the Courts having finally established a liaison office in New York, which will facilitate contacts between the Court and United Nations Headquarters.

[...]

The International Criminal Court, and indeed international criminal justice as such, will be unable to fulfill its potential without the strong support and cooperation of States, international and regional organizations and civil society, in particular in relation to the arrest and extradition of accused persons, the provision of evidence and the enforcement of sentences [...] [T]he United Nations has a special responsibility as there is no other organization with a comparable level of field presence and experience.”

Trinidad and Tobago

“[W]e are mindful that these developments [as outlined in the ICC report], important as they are, were possible only because of the cooperation between the Court and the referring States, the United Nations, States parties and non-governmental organizations (NGOs).

In this regard, we note with appreciation the cooperation agreements entered into by the Court with the Government of Austria, the European Union and the International Committee of the Red Cross and those to be concluded in the near future with the African Union and the Asian-African Legal Consultative Organization. [...] Without the successful completion of these procedural requirements, the Court will not be able to implement its mandate effectively and thereby contribute to ending impunity.

[...]

We view the establishment of that office [New York liaison office] as another opportunity for the Court to gain greater visibility in the international community as represented here in New York, which we hope will lead to its universal acceptance.”

Uruguay

“Even though cooperation with the United Nations is already a reality and is irreversible, we are very encouraged by the recent establishment of the liaison office of the Court, which will facilitate continuous follow-up of its work. We also hope that that will help to increase cooperation.”

CRIME OF AGGRESSION

Egypt

“The delegation of Egypt would like to reaffirm the importance of intensifying the Court’s current efforts to arrive at a definition of the crime of aggression, especially as current international circumstances and developments point to the importance of reaching such a definition to punish criminals who commit such heinous crimes.”

Finland

“These meetings [of the Special Working Group on the Crime of Aggression] have proved to be highly conducive for the preparation of provisions relating to the crime of aggression, the definition of which is of interest to United Nations Members as a whole.”

Liechtenstein

“In the context of the Assembly of States Parties, one important priority is work on the definition of the crime of aggression, on which the Special Working Group strives to elaborate concrete proposals by 2008 for consideration by a Statute review conference.”

Ukraine

“I would like to emphasize the importance for my country of developing a definition of the crime of aggression. The system of international criminal justice based on the Rome Statute would be incomplete without such a definition.”

DETERRENCE**Argentina**

“Supporting the Court means contributing to progress towards an international system of justice that exposes impunity and prevents crime. We are especially optimistic about Court’s overall dissuasive role in armed conflicts and internal situations.”

Croatia

“A permanent and universal criminal court seems a logical extension of ad hoc adjudication; it builds upon that experience, solidifying and advancing the legacy of international criminal law. Moreover, its ex ante jurisdiction has a powerful deterrent effect.”

Finland

“As for deterrence and prevention, the European Union views the ICC as an essential instrument for the prevention of genocide, crimes against humanity and war crimes. At the same time, the ICC is an institution for exceptional cases only.”

Liechtenstein

“In a number of situations, initial investigations by the Prosecutor have sent a clear message to past and potential future perpetrators in other parts of the world. Even if their own countries might not be able to bring them to justice, the International Criminal Court can do so. The system of justice established by the Rome Statute is contributing to deterrence worldwide, and this effect will be continuously strengthened through the future work of the Court and the publication of its results.”

Mexico

“The Court’s very existence and its full operation are in themselves incentives for States to prevent the commission of crimes in their territories and to act immediately when crimes do occur.”

Peru

“The Court not only prosecutes those allegedly responsible for the most horrendous crimes and serves as a means of prevention and deterrence, but also cooperates with other institutions with similar objectives. Thus, it promotes an international system in which respect for the rule of law prevails.”

South Africa

“The horrors of crimes against humanity committed in the former Yugoslavia and in Sierra Leone and the genocide committed in Rwanda brought to the fore the sad fact that sometimes national justice systems are just not enough to deter or prosecute crimes that are of the greatest seriousness to the international community. Therefore, there is a need for the international community to augment those national justice systems when they are unable or unwilling to act.

[...]

It was a basis of those lessons that the International Criminal Court was then established so that it might serve as both a deterrent and a means of ending impunity.”

INTEGRITY OF THE ROME STATUTE

Democratic Republic of the Congo

“[...] I wish to reaffirm the will of my delegation to respect the integrity of the Court’s Statute.”

Ecuador

“Ecuador firmly believes in the need to protect the integrity of the Rome Statute.”

Finland

“The European Union is a strong and active advocate for the universality of the ICC, and a dedicated defender of the integrity of the Rome Statute.”

Norway

“[...] I would like to reiterate Norway’s firm and long-standing commitment to the integrity of the ICC Statute and to an effective, credible and a responsible International Criminal Court, which can and should enjoy the broadest possible support of States.”

ISSUES ON THE AGENDA OF THE FIFTH SESSION OF THE ASSEMBLY OF STATES PARTIES

Argentina

“My country, [...] was very interested to note the recent publication of the International Criminal Court’s strategic plan, which will be taken up at the fifth Assembly of States Parties next November. We believe that the plan, which is now being finalized, is an important basis for strategic consideration of the Court’s future work.”

Finland

“The European Union encourages the widest possible participation at the meetings of the Special Working Group, which is open to all Member States of the United Nations.”

Saint Vincent and the Grenadines

“[...] CARICOM strongly supports the holding of meetings of the Assembly in New York in order to ensure wider participation by States parties and observer States, since all States, developed and developing, already have diplomatic representation in New York.”

OUTREACH

Democratic Republic of the Congo

“[T]he Court has already held workshops and seminars in the Democratic Republic of the Congo for specialised audiences such as judicial authorities, attorneys, members of non-governmental organisations and journalists. We also welcome the Court’s awareness-raising activities in the field regarding victims’ participation in its procedures and the reparations to which they are entitled.”

Finland

“Reaching out to societies and people affected by crime is extremely important for the successful discharge of the wider mandate of the Court. The activities of the Court in this respect are particularly important when reaching out to victims who have an internationally unique role under the Rome Statute.”

Jordan

“Jordan [...] commends the Court for its efforts to enhance understanding and awareness of its role and activities in relation to both proceedings and investigations among local populations in situation areas.”

Kenya

“Very often, the communities that have suffered the horrendous crimes under the Court’s jurisdiction have little appreciation or understanding of the role and work of the Court. The outreach programmes help to promote acceptance of the Court and assist victims to realise their rights under the Statute.”

Norway

“[...] States have a responsibility to reach out and explain to their populations the true nature of the Court and its system. It is a system that provides for fair hearings and the rights of the accused, while safeguarding the interests of victims and it is a system that enjoys broad support in the international community.”

Saint Vincent and the Grenadines

“The outreach activities in which the Court is engaged are far-reaching. We encourage such contact with local communities, especially those affected by the situations under investigation. We believe that spreading the message of the Court through interaction at the grassroots level with, inter alia, local journalists and media, legal associations and non-governmental

organizations, is an important tool of the Court for reaching out to victims and informing them of the possibilities for their participation in the process and for reparations.”

Sierra Leone

“[T]he States in which perpetrators are hiding must demonstrate their political will and commitment by transferring them to the Court. In that regard, we welcome the work that the Court has done on outreach. We urge the Court to undertake an extensive outreach programme purposefully geared towards explaining what the ICC is about, what it is seeking to achieve and the crimes that are within its jurisdiction. It must be amply demonstrated that the Court is truly international and that it does not belong to any particular region or people.”

Trinidad and Tobago

“Trinidad and Tobago applauds the efforts made by the Court through its outreach programme to bring greater awareness and understanding of its work to the communities whose situations have been referred to it [...] We recognize, however, that universal adherence to the Rome Statute is an essential component in the fight against impunity wherever it may occur, and we therefore urge States parties and others to assist the Court in engaging in outreach activities aimed at promoting increased ratification of and accession to the Statute.”

Uruguay

“[W]e believe that is very important to continue activities aimed at increasing understanding and awareness regarding the functions of the Court, because this will help it to be more effective in its work.”

PEACE AND JUSTICE

Argentina

“With regard to arrest warrants issued against leaders of the Lord’s Resistance Army in Uganda, we believe that the international community, and especially mediators providing assistance in the Juba process, must seek innovative solutions that harmonize traditional reconciliation systems used by the local population with the inviolable imperatives of international law. Peace cannot be attained at the cost of justice.”

Croatia

“While addressing the interplay between peace and justice, some might question the impact of the ICC. However, we believe that peace and justice are not opposing categories. Justice is a prerequisite for lasting peace. Establishing individual criminal responsibility can play a critical role in the reconstruction of national identity in societies affected by conflict.”

Finland

“The EU remains convinced that peace and criminal accountability are not conflicting goals. Quite the contrary, to us sustainable peace cannot be achieved unless the demands for individual accountability for the most serious international crimes are duly addressed. Any society built on the rule of law has a greater possibility of coming to terms with past abuses.”

Kenya

“[I]t is important to remember that in most situations of genocide, war crimes and crimes against humanity, the victims have been exposed to long periods and episodes of conflict; focusing on processes while turning a blind eye to sustainable peace can thus be counter-productive. Peace and justice are not mutually exclusive and should be addressed simultaneously.”

Liechtenstein

“Justice and peace are not mutually exclusive goals; quite the opposite. The real peace-versus-justice dilemma was the fact that before the establishment of the International Criminal Court there was no permanent international institution that could deliver justice for the worst crimes. Because of that glaring gap in the system of international institutions, impunity was a reality and amnesty a bargaining option for those responsible for crimes. The establishment of the ICC represents a paradigm shift that over the course of time effectively will deprive those responsible for the worst crimes of the opportunity to demand amnesties, simply because their counterparts in negotiations will not be able to effectively guarantee impunity.”

Mexico

“In recent months, we have spoken about what is known as the dilemma between peace and justice in order to describe a situation in which political actors would have to choose between investigating and punishing those responsible for crimes covered by the Statute, on the one hand, and a political solution to the situation that led to those crimes, on the other. For a court of law such as the International Criminal Court, justice cannot be subordinate to political negotiation. There is therefore no such dilemma, as one cannot even countenance the denial of justice. We must be clear about the fact that every institution has a role to play: the political and the judicial each have their part.”

New Zealand

“Our three countries [CANZ] strongly support the principle that justice and peace are intrinsically intertwined [...] The International Criminal Court is recognition of that principle and must continue to be employed by the United Nations to that end.”

Norway

“[I]t has long been recognized that the pursuit of justice in areas affected by armed conflict can give rise to particular challenges. One challenge that has been increasingly debated is related to the relationship between peace efforts and criminal prosecutions. Efforts to promote ceasefires and peace agreements can of course give rise to dilemmas. In certain cases, people who are key to the success of peace talks may even have perpetrated the gravest crimes. Nonetheless, in order to end bloodshed and armed conflict, mediators may have to call on all the parties concerned to sit down together and negotiate.

The emergence of a system of international criminal justice has not changed any of that. Nor does it constitute any obstacle to the pursuit of peace.

[...]

Although it has long been recognized that there is no durable peace without justice, it is equally difficult to conceive of true justice in a society without peace.

[...]

It is important that the General Assembly, as well as the Security Council, underline the importance of the pursuit of justice in their quest for durable peace. Those bodies must take those issues fully into account when shouldering their responsibilities.”

Sierra Leone

“[T]here is no peace without justice; the International Criminal Court is a symbol of that maxim.”

South Africa

“In our scrutiny of the building blocks of the International Criminal Court, it therefore seems to us that the Court itself does not determine the role it plays in a peace process, but rather it is States that determine the role that the Court should play. The Court is a tool of accountability that can be activated by States when they are of the view that accountability is necessary in a given situation.”

Switzerland

“Ultimately, international criminal justice contributes very significantly to sustainable peace and security. The three situations currently under investigation by the Office of the Prosecutor clearly illustrate this.”

Uruguay

“[W]e note with satisfaction the fact that increasingly States are grasping the importance for international law of increasing cooperation and assistance, which in turn will enable us to reaffirm the purposes and principles of the Charter and, in particular, to promote justice, which is essential for the maintenance of lasting peace.”

SECURITY COUNCIL AND THE ICC

Argentina

“We continue to follow with great attention the development of the process of investigation in the Democratic Republic of the Congo, Uganda and Darfur. We would highlight the transfer to The Hague of Mr. Thomas Lubanga, which was possible thanks to the support of the Security Council and its resolution 1533 (2004).”

Mexico

“[T]he Security Council has a special responsibility to fulfill. For example, the ongoing situation in Darfur creates an obligation to logistically support the Court in the investigation of crimes committed there, without affecting its impartiality. In addition, the Security Council has the authority to empower peacekeeping operations deployed to places where there are cases under investigation by the Court with a mandate necessary to support it in the development of its work.”

Norway

“[T]he international community, including the United Nations Security Council in particular, retain their responsibility for the maintenance of peace and security and ultimately for effective support to peace efforts.”

TRUST FUND FOR VICTIMS

Saint Vincent and the Grenadines

“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 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.”

Serbia

“[...] Serbia has been a keen supporter of the establishment of the Trust Fund for Victims and is eagerly looking forward to its operation, having already earmarked financial means in its budget for support of the Fund.”

Sierra Leone

“[T]he Trust Fund for Victims has become virtually operational. The international community must demonstrate its commitment to victims by making financial contributions to the Trust Fund. The ICC is the first international tribunal to give recognition to the victims of heinous crimes, and the Trust Fund is a practical way to demonstrate that recognition.”

South Africa

“[W]e call upon States and private donors to give support to the International Criminal Court Trust Fund for Victims in order to ameliorate the suffering of victims.”

Speakers:

Argentina: *H.E. Ambassador Cesar Mayoral, Permanent Representative of the Argentine Republic to the United Nations*

Brazil: *Mr. Carlos S. Duarte, Minister Plenipotentiary of Brazil to the United Nations*

Croatia: *H.E. Ambassador Mirjana Mladineo, Permanent Representative of the Republic of Croatia to the United Nations*

Democratic Republic of the Congo: *Mr. Zenon Mukongo Ngay, First Counsellor of the Democratic Republic of the Congo to the United Nations*

Ecuador: *H.E. Ambassador Rodrigo Rios Montano, Deputy Permanent Representative of Ecuador to the United Nations*

Egypt: *Mr. Mahmoud Samy, Minister Plenipotentiary of the Arab Republic of Egypt to the United Nations*

Finland: *H.E. Ambassador Kirsti Lintonen, Permanent Representative of Finland to the United Nations*

Japan: *H.E. Mr. Takahiro Shinyo, Deputy Permanent Representative of Japan to the United Nations*

Jordan: *Mr. Adi Khair, Third Secretary of Jordan to the United Nations*

Kenya: *Mr. Wanjuki Muchemi, Solicitor-General of the Republic of Kenya*

Liechtenstein: *H.E. Ambassador Christian Wenaweser, Permanent Representative of the Principality of Liechtenstein to the United Nations*

Mexico: *H.E. Ambassador Juan Manuel Gómez Robledo, Permanent Representative of Mexico to the United Nations*

New Zealand: *Ms. Jennifer McIver, Second Secretary of New Zealand to the United Nations*

Norway: *Ms. Mari Skaare, Counsellor of Norway to the United Nations*

Peru: *Mr. Luis Chavez-Basagoitia, Deputy Permanent Representative of Peru to the United Nations*

Saint Vincent and the Grenadines: *H.E. Ambassador Margaret Hughes Ferrari, Permanent Representative of Saint Vincent and the Grenadines to the United Nations*

Serbia: *H.E. Ambassador Pavle Jevremoviæ, Permanent Representative of the Republic of Serbia to the United Nations*

Sierra Leone: *H.E. Ambassador Allieu Ibrahim Kanu, Permanent Representative of the Republic of Sierra Leone to the United Nations*

South Africa: *Mr. Sabelo Sivuyile Maqungo, Minister Counsellor of the Republic of South Africa to the United Nations*

Switzerland: *H.E. Ambassador Peter Maurer, Permanent Representative of Switzerland to the United Nations*

Trinidad and Tobago: *H.E. Ambassador Philip Sealy, Permanent Representative of Trinidad and Tobago to the United Nations*

Ukraine: *Mr. Viktor Kryzhanivskiy, Charge d’Affaires a.i of Ukraine to the United Nations*

Uruguay: *Ms. Susana Rivero, Minister, Deputy Permanent Representative of the Republic of Uruguay to the United Nations*