



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

Check Against Delivery

Tenth Session of the Assembly of States Parties to
the Rome Statute of the International Criminal Court

Statement by

Ambassador Edita Hrdá

**Permanent Representative of the Czech Republic
to the United Nations**

New York, December 14, 2011

Mrs. President,

The Czech Republic fully endorses the statement of the EU and wishes to add a few remarks in its national capacity.

First of all, let me thank all delegations for yesterday's election of Judge Fremr to the Court. We are convinced that he will strengthen the Court at this critical moment of its existence. In this context, we believe that the selection of judges and prosecutor should be based only on their professional competence. There is a general consensus on the need for increased clarity of the national nominating procedures. Therefore, I am proud to inform you that the Czech Republic adopted special Rules for the Selection of a Candidate for the Position of Judge of the International Criminal Court (which were annexed to the Government Resolution No. 478 of 14 June 2010). The Czech Republic supports also the transparency on the international level and calls for the creation of an advisory committee on nominations of judges. Judges and prosecutor are the cornerstone of the Court and it is the responsibility of us – State Parties - to participate in these elections in a most responsible manner. The Search Committee for the prosecutor was the first step in the right direction, nevertheless, a lot of work is still before us.

Second, the draft budget of the Court for the forthcoming year is perhaps the most contentious outstanding item on our agenda. The Czech Republic followed closely previous informal consultations on the draft budget and is aware of different attitudes and various proposals expressed and submitted during these consultations. It is necessary, however, to keep Court's budget in realistic line, taking into account the current financial situation of the State Parties and the developments of the world economy. In this respect, the Czech Republic believes that the increased budgetary responsibility should apply equally both to States and international organizations. For this reason, the Czech Republic is prepared to seriously consider any reasonable savings. We are, however, of the opinion that the Assembly should avoid any short-term and arbitrary budget adjustments. The Czech Republic is also aware of the importance to ensure sustainable functioning of the Court, which should focus on proper performance of its *raison d'être* – delivering justice in concrete cases. We also call on the Court to proactively start to identify further possibilities for savings.

Third, in the upcoming months, the relevant chamber of the Court will have to tackle the challenges of the first process and decision on the reparations to the victims. In this connection, the Assembly is going to consider the draft resolution on reparations. On one hand, the delegation of the Czech Republic regards the draft resolution above all as a useful repetition of certain basic principles on reparations, contained in the Rome Statute, as well as an appeal emphasizing the importance, which the States Parties attach to consistent and equal treatment of victims in different proceedings before the Court. On the other hand, we are of the opinion that this innovative area of the mandate of the Court requires the gradual stabilization by the jurisprudence of the Court. We are also aware of the fact that the general principles on reparations are already contained in legal instruments that are part of the law to be applied by the Court, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of 29 November 1985 and so called van Boven principles on reparation for victims of gross violations of International Human Rights Law and Serious Violations of International Humanitarian Law of 16 December 2005. Therefore, we believe that the draft resolution on reparations does not and cannot restrict the central role of the individual decisions of the Chambers of the Court in establishing and stabilizing the reparation principles.

Finally, let me to inform you that at the Review Conference, the Czech Republic made a pledge to start, by the end of 2010, the process of accession to the Agreement on the Privileges and Immunities of the International Criminal Court. We fulfilled our pledge and, on May 4, 2011, submitted the instrument of accession to this Agreement to its Depositary.