



ITALY

TENTH SESSION OF THE ASSEMBLY OF STATES PARTIES
TO THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT

STATEMENT

BY

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ALTERNATE HEAD OF DELEGATION

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Madam President,

First of all, I wish to congratulate Amb. Tiina Intelmann on her election as President of the Assembly of States Parties. Her professional skills and dedication are well-known and are the best guarantee for success in steering our work. Let me also express our deep gratitude to Ambassador C. Wenaweser, the outgoing President of the Assembly, for his outstanding leadership during the past three years.

Madam President,

Italy fully associates itself with the statement of the European Union to be delivered by Poland.

This session of the Assembly takes place at a defining moment in the life of the International Criminal Court. The Court is now fully engaged in its judicial work and is dealing with a steadily increasing number of situations and cases. The years of the initial steps of the ICC in the international scene are over. During 2011, the referral of the situation in Libya by the Security Council, and the Prosecutor's initiative relating to Côte d'Ivoire are evidence that the Court is now "busier than ever", as President Song has stated last Monday. At the same time, old and new challenges need to be addressed, in order to reaffirm and consolidate the authority and credibility of the Court. Italy wishes to reiterate its full commitment to, and support for, the International Criminal Court. These commitment and support date back to the years of the negotiations for the Statute culminated with the Rome Conference, and remain today firm and unreserved.

At the beginning of this session, the Assembly proceeded with the election of the new Prosecutor and the process for the election of the judges is underway. We wish to warmly congratulate Mrs. Fatou Bensouda as well as the new members of the bench on their election. Italy is highly confident that they will be up to the difficult task entrusted to them. Their qualifications are in line with the principle, always supported by Italy, that the choice among candidates for the top positions in the Court should be made on the basis of their professional

skills and high moral standard. We thank the Search Committee of the Bureau of the ASP for having carried out, in a distinctive manner, the process of selection of suitable candidates for the post of Prosecutor. We also wish to express our gratitude to the first Prosecutor of the Court, Mr. Luis Moreno-Ocampo, for his admirable and relentless work, and to the judges that are about to leave the Court for their contribution to enhancing the role and authority of the ICC.

Madam President,

The growing confidence of the international community on the International Criminal Court is confirmed by the ever increasing level of acceptance of the Statute. In the last ten years, the number of ratifications has constantly gone beyond expectations, reaching now the symbolic level of 120, equal to the States that in Rome voted in favour of the Statute. In particular, we welcome those States that have joined the ICC system in 2011, namely Grenada, Tunisia, the Philippines, the Maldives, Cape Verde and Vanuatu. This result is mainly due to the fact that the Court has demonstrated its capacity to conduct proceedings in a fair and independent manner, with full respect for the rights of the accused. The universality of the Court remains for us a priority, and we like to think that it does not seem anymore as a distant, visionary goal. Furthermore, the Kampala Review Conference has shown the vitality of the Rome Statute. Important amendments were adopted by consensus, including those concerning the crime of aggression. We also wish to express our support to the process of ratification of these amendments.

At the same time , recognizing the lessons to be learnt, and addressing the issues that have emerged from the Court's initial practice can only help making the ICC an even more appealing and widely appreciated institution. International cooperation is the first of these issues. Increasing the level of cooperation received by the Court is essential, especially as regards the execution of arrest warrants. Despite recent progress, there are several (and still too many) arrest warrants which remain outstanding. We welcome the Assembly procedures relating to non-cooperation by States Parties and non-States Parties that were elaborated by the Bureau and submitted to the approval of the ASP. It is our view that these procedures must be applied promptly and firmly, in accordance with the relevant provisions of the Statute. For its part, Italy

intends to continue to thoroughly comply with its obligations stemming from Part 9 of the Rome Statute, and to provide assistance to the exercise of the Court's judicial functions in all relevant fora and contexts.

While the Court has grown into a fully developed institution, which deals with a substantial number of investigations, prosecutions and trials, it is equally crucial that the efficiency of its proceedings is fully implemented, as required by the Rome Statute. Improving such efficiency and the effectiveness of the Court's action cannot be but the result of a common effort of all stakeholders. We welcome the measures taken in this respect by the different organs of the Court, and we are particularly happy to see, for example, that the first trial is now close to completion. An important role is to be played, in this same area, by the Assembly of States Parties, on the basis of a structured dialogue with the Court and having in mind the need to guarantee full respect for the independence of its judicial functions. Further, the establishment of an institutional independent mechanism, which would allow the Assembly to exercise an essential oversight role remains, in our view, the best way to guarantee a proper action in the best interest of the ICC system.

Madam President,

Italy is of the view that the Court must be afforded all those financial means that are necessary for the performance of its core judicial activity. We are committed to ensure that, also from this view-point, the ICC will be able to carry out effectively its mandate. In this context, we also believe that the current worldwide economic and financial situation requires from States an approach based on a special budgetary discipline and careful choices. This approach will continue to guide our contribution to the debate in a spirit of mutual understanding. We are confident that, in the dialogue with the Court, clear priorities can be set by the ICC and substantial measures can be devised to increase its efficiency, and to revise policies that impact on the costs, without hampering the performance of its mandate.

Madam President,

Eight years after the beginning of its activity, the Court has become a key institution within the system of international criminal justice. It is fair to say that nowadays one cannot speak of fight against impunity for the most heinous crimes; of peace, justice and security in conflict zones without considering the role played by the ICC. The world public opinion is carefully monitoring these developments through those non-governmental organizations (in particular, the ICC Coalition) that were so instrumental to the adoption of the Statute, and whose cooperation and stimulus remains essential for the lasting success of the Court. It is up to the States Parties to meet the expectations for a continuing strong support and active contribution to the mission that was entrusted to the ICC, in the name of the rule of law and accountability for unspeakable atrocities.

Thank you, Madam President.