

International Criminal Court
5th session of the Assembly of States Parties
General debate, Thursday, 23 November 2006
Statement by Mr. Krzysztof Kocel, Representative of Poland

Mr. President,

Let me start with thanking the Finnish EU Presidency for its statement presented this morning, which fully reflects Polish opinions. In addition to that, the Polish Delegation would like to add a few of our own reflections relating to the Court's activities and the challenges it faces, as we perceive them at this very moment of its, still very short, history.

Poland is entirely aware that cooperation with the Court and providing it with necessary assistance is an essential precondition if the Court is to attain the success we all desire and expect. We also realize that this requires further efforts, including financial one. Without such cooperation and support the Court would not be able to perform its mandate and the financial contributions made up to the present could not be used effectively.

On the other hand, we must be aware of certain constraints of States, especially as regards additional financial support, beyond the annual contribution burden. Nevertheless, it is reasonable to expect that each State-Party will be ready to consider ways in which it can provide at least limited, but concrete, extra assistance to the Court.

Depending on the circumstances, the respective States could focus their efforts on selected areas of assistance and cooperation - such as witness protection, aid for victims or logistical support for the Court. Let me underline, that we are not suggesting any kind of quasi-specialization but we do intend to encourage each State-Party to use its particular potential in the best possible way to support the Court.

In order to implement this goal it might be useful to consider some new mechanisms, including financial ones, which would facilitate efforts by certain States to become deeper involved in cooperation in specific areas. For example, States that are unable to grant protection to Court witnesses or accept transfer to their territories of persons convicted by the Court to serve the sentences could perhaps consider some kind of financial participation in this sort of activities.

In this context we would like to stress that it could also significantly help States to assess and plan their commitments if there existed more predictable system of financing the Court by the States – Parties. Having such a system in

place, each State would be aware of its financial obligations not only for a given financial year, but also for several years ahead.

Mr. President,

Support for the Court should also be manifested through the adoption by the States – Parties of national regulations aimed at ensuring comprehensive collaboration with the Court and privileged processing of the Court’s requests for legal assistance. Also, although the Statute does not envisage such a commitment, States – Parties should seek to penalize in their internal laws all crimes covered by the Statute. Thus, on the basis of complementarity, by guaranteeing the prosecution of crimes lying within the jurisdiction of the Court at the national level, the States – Parties would support the Court in fulfilling its mission of preventing the impunity of perpetrators of the most serious international crimes.

Mr. President,

The adoption last year by the Assembly of the Regulations for the Victims Trust Fund has made it possible for its Board of Directors to accelerate work on implementing projects related to direct assistance to victims and their families. The progress in setting up the Trust Fund Secretariat, and especially the recent appointment of its Director, should also substantially enhance the Fund’s efficiency and ability to give a prompt response to first applications for assistance it has just received. We welcome the growing voluntary contributions to the Fund and in this regard we are happy to inform the Assembly that Poland has recently contributed, for the second time, 10.000 Euro to the Fund. All these developments give us hope that the Trust Fund’s Board of Directors, composed of the most eminent personalities, who ensure the Fund’s highest moral standing, will be able to perform successfully their important mission towards victims and thus contribute to achieving of the Court’s primary goals. In this context we think that all current Members of the Board, who have expressed the readiness to continue their efforts in this capacity, should be given this opportunity for the next three years.

Mr. President,

In conclusion, let me express Poland’s appreciation for the efforts made over the last few years in order to ensure the organizational conditions of the Court’s operation. Poland commends the elaboration of the Strategic Plan of the ICC and looks forward to implementation of its provisions. We strongly believe that these measures address the expectations of the international community with regard to the fulfillment of the mandate of the Court as described in the Rome Statute. We hope that systematic realization of the Strategic Plan will

allow the Court to strengthen its organizational capacity and concentrate on its substantial, judicial activity.

The Court does have a great chance to open a new stage in international relations and justice. No State should be afraid of its jurisdiction, just to the contrary – it has been established in order to complement, not to substitute, domestic legal systems.

The success of the Court is our joint responsibility and task. We should all share the burden of its attainment. In this way we would manifest genuine international solidarity on that important issue.