

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

Plenary, General Debate, 24 November 2006, 10am-1pm

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**Informal and Unofficial Verbatim Notes from the ASP Plenary Session:  
24 November 2006, Morning Session**

**Chair:** Distinguished delegates, I call to order the Third Plenary Meeting of the Fifth Session of the ASP. This morning we are scheduled to continue with our General Debate. Before we proceed though, may I recall, that as regard to the election of the members of the Board of the Directors of the VTF, the Assembly decided yesterday afternoon to postpone consideration of this agenda item to allow for consultation to proceed as regard to vacancy for the group of Asian states. If we exhaust our list of speakers this morning then in the afternoon we would begin our consideration of **Agenda Item 11**, that is consideration in adoption of the budget for the fifth financial year with a presentation by the Registrar of the Court and of the Rapporteur of the CBF. Let us now proceed with the General Debate. I would ask that we continue to deliver a statement from the lectern.

**Brazil:** Thank you Mr. President. Mr. President, May I begin by congratulating you for the efficiency by which discharge your delegate task. Your colleagues in the Bureau in the ASP also deserve our gratitude for contributing for the success in conducting the intersessional work and the preparation of the ASP session. The presence in The Hague of two Vice Presidents has improved the flow of information and coordination of work and role between New York and the Seat of the ICC together with the role played by the two working groups. I wish also to express appreciation for the statements made at the opening of the session by Judge Philippe Kirsch, President of the ICC the prosecutor and Madame Simone Veil, President of the Board of the VTF. It has been a long arduous journey since the adoption in 1998 and entry into force in 2002 of the Rome Statute of the ICC. Today, the 104 states are gathered around the principle that impunity must not remain unchecked and that a system of international justice is possible.

In the last four years the ICC has steadily established itself in The Hague, started investigations, issued arrest warrants and judicial proceedings are under way. This testifies to the vitality of this institution, which has now reached a stage of full functionality and has become a reference worldwide. While all these achievements have been possible mainly due to the support provided by states parties, much work remains to be done and is foreseen for the immediate future that is equally dependent on the continued commitment to the ideals of the statute under all the concrete practical involvement of the international community and with the activities of the Court. Brazil as an early supporter of the ICC and its mandate wishes to take this opportunity to reaffirm this commitment, My government considers the ICC and the principle embodies emergence as key elements of international justice deemed by Brazil as highly necessary in today's world; genocide, crimes against humanity and war crimes offenses of international concern shame mankind at an age we would like to believe ourselves wiser than our ancestors. In order to win the fight against impunity ICC and bring atrocities to an end, the ICC and its mandate are best tools. The fact that office of prosecutor presently carries out investigation three different situations: Darfur, North of Uganda and Congo Ituri and the five arrest warrants issued and that proceedings are already taking place in Preliminary Chamber in another are evidences of Court's efficacy, but of the essential need we have of it. Other cases already being planned for will regrettably prove this point even further. On an optimistic note, however, we take heart in President Kirsch comment during

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his report to GA to UN, indicating, that according to several sources, the ICC has had an preemptive impact against possible war crimes, mass violations of human rights and violations of humanitarian law in different parts of the world. Peace and justice have always been two of the most difficult pursuits of mankind.

The establishment of the Court has brought forth a new and decided instrument for the defense of human rights and promotion of role of human law, taking us closer to the achievement of those values. The desirable conjunction of those two goals may, however, lead us into difficult contradictions and dilemmas. In this respect, the challenge for the ICC, assisted by ASP, will be to find a balance between concepts of peace and justice that will not jeopardize basic principles of the RS. On one hand, perpetrator of serious crimes defined in the Statute, must no longer be able to expect impunity. On the other, the mandate should be contribution toward peace. Facing this hard challenge, we may, however find comfort of in the fact that the statute provisions court offer adequate and sufficient guarantees against any possible abuses and that the Court will not be used to pursue illegitimate, political objectives. Among those safeguards lies the principle of complementarity. The Court is complementary to national systems. Under the principle of complementarity, only situations that have not been the object of due legal process by national institutions are admissible before the Court, which may intervene only when a national state has proved itself unable or unwilling to conduct such process in genuine manner.

If I may quote the Prosecutor, himself, "As consequence of complementarity, the number of cases that reach the Court should not be a measure of efficiency. On the contrary, the absence of trials before this Court, as a consequence of the regular functioning of national institutions, would be major success." The ICC should, therefore, be considered a last resort after national courts have failed. And states will succeed in this responsibility through implementation of RS in their national legislations.

Mr. President, in the view of Brazilian government, the spirit of partnership between the ICC and the Security Council of the UN is as important as it is desirable. In the view, the referral of the Darfur situation by the Council was a major step. Brazil has, on several occasions, expressed the importance it attributes to the role of justice in establishing peace and ending violence in that region.

As important, nevertheless, the preservation of the integrity of the Court's mandate, as well as of its jurisdiction, and certain aspects of the Council's referral resolution on Darfur have raised concern in that respect. The spirit of cooperation between the Council and the Court might, by the same token, be extended to financial matters. Costs sharing in the investigation of the Darfur situation, for example, would have been an encouraging sign. Nevertheless, we must commend the tireless efforts of the Office of the Prosecutor, that has managed to carry out missions to Khartoum and to several neighboring countries, facing difficult circumstances on the ground which have jeopardized investigations. Brazil deeply regrets the persistence of the conflict and encourages Sudan to continue its cooperation with the Court.

The ability of the ICC to fulfill the high functions mandated to it by the state parties depends on the support and cooperation made available to the Court, not only by those same states, but by the international community as a whole. The ICC needs the effective support and cooperation of governments, as well as that of national and regional organizations, be it on high political level, be it through assistance in day to day tasks and actions and, above all, in

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the fulfillment of its judicial decisions. Our common international endeavor to uphold human rights, to promote international justice and the rule of law worldwide, can only be strengthened through the expansion of universality of the Rome Statute and of the International Criminal Court. Brazil, therefore, welcomes those states that have ratified the Statute since the previous session of this Assembly: St. Kitts and Nevis, Comoros, Montenegro and Chad and encourages all states that have not all become parties to the Statute to ratify or accede to it. In this regard, I take positive note of the statement made yesterday by the distinguished Representative of Japan of the steps being taken by their country to prepare for accession to the Statute of Rome.

Turning to more internal matters, it has been encouraging to witness and collaborate in the progress that has been made on a number of issues that touch directly on the functioning of the Court. If the Court is an important tool in the fight against impunity, this tool must be kept in good order so as to be effective. The good work so far accomplished by the subsidiary organs of the Bureau, the Working Groups of The Hague and New York, tackling difficult issues such as the Strategic Plan, premises of the Court, the setting up the NY office, the Headquarters Agreement, bears proof of the commitment of States to cause the Court and of the fruitful collaboration with Court and the host countries. That notwithstanding, much work still remains to be done in those same areas and that is our job in this Assembly.

Among other tasks, assigned to this Assembly, one of a more general scope, and in that very sense of the utmost importance, is the continuation of the work on the complex issue of the definition of the Crime of Aggression, as mandated by the RS in its article 5. This work requires careful consideration of the controversial topics, such as what boundaries are to be drawn onto the concept of aggression itself and the conditions under which the Court shall exercise jurisdiction with respect to that crime. A good basis has been laid out by GA in 1974 in its Resolution 3314. Building on this foundation, Brazil welcomes the efforts so far undertaken, particularly during the last meeting of the Working Group last June at the Woodrow Wilson School of Princeton University.

Much yet remains to be done during this Assembly and in a more intensive way at the reconvened session next January. The results of all this work will represent a major contribution, not only in the context of the Rome Statute, but in the realm of international law as a whole.

Another important subject for the future of ICC is the review of the Rome Statute. Article 123 stipulates that seven years after entry into force, the SG of the UN shall convene a Review Conference to consider amendments to the Statute. Many various matters will be at stake then, including the list of crimes within jurisdiction of the Court, hence the importance and urgency just mentioned on the work on the Crime of Aggression. The preparations for the Review Conference will therefore require careful and through attention by the ASP in the few years to come. By the same token, this will be an opportunity for renewal and progress.

Brazil wishes to recommit itself wholeheartedly to this project. This same level of commitment, Brazil wishes to apply to the day to day activities of court that assure the proper functioning of the Court in its entire complexity. Such full participation will only be achieved through equitable geographical representation in the Court's cadre. In the ASP, Brazil seeks to continue its engagement in the subsidiary organs and the Bureau itself. I thank you Mr. President.

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for giving us the possibility of sharing our views during a general debate. We consider this debate an appropriate way of opening this Assembly of States Parties, which has a broad range of responsibilities, far beyond budgetary issues, and which should provide political support to the ICC.

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

Mr. President, We would like to thank you and the Bureau for giving us the possibility of sharing our views during a general debate. We consider this debate an appropriate way of opening this Assembly of States Parties, which has a broad range of responsibilities, far beyond budgetary issues, and which should provide political support to the ICC. We thank the President of the ICC, Mr. Philippe Kirsch, and the Prosecutor, Mr. Moreno Ocampo, for their presentation of the report on the activities of the Court. We are generally very satisfied with the way the Court has developed since the entry into force of the Rome statute more than four years ago. The various organs of the Court and their staff have continued to exercise their functions with great competence and dedication, while safeguarding in particular the principles of independence and complementarity. The problems experienced, on the other hand, clearly show that the Court continues to struggle to find its place in the landscape of international institutions, and that the cooperation extended by States and international organizations needs to be improved. While cooperation in arrest and surrender is obviously the most pressing issue, other forms of cooperation are needed as well, including for the protection of witnesses.

**Namibia:** Mr. President, I reiterate the happiness of the Namibian Delegation to see you in the Chair and assure you of our continual support and cooperation. Let me also congratulate you for your appointment as Foreign Minister of Costa Rica. I further take this opportunity to pay tribute to Dr. His significant contributions, both as Secretariat and African Delegate and establishment of the Court will not be forgotten. We thank South Africa and Tanzania on sharing their account with us. Mr. President, Namibian Delegation thanks you, the President of the Court, the Prosecutor and Madame Veil for yesterday's respective reports on the activities of the Bureau the Court and the VTF. We thank all three parties of the Court and the ASP Secretariat for their significant activities in further consolidation of the Court during 2006. A lot has been achieved in the last year and much remains to be done, including the finalization of the tasks of the Special Working Group on the Crime of Aggression, under the able leadership of Ambassador from Lichtenstein. We also look forward to complete the preparatory work for the Review Conference to start this session. Namibia is currently drafting bill to facilitate legislation for implementation.

Mr. President, welcomes Chad, Comoros, Montenegro and St. Kitts and Nevis as new states parties and encourages other to follow suit. The increase in the number of state parties and achievement of universality is one of our major challenges. In this connection, like other delegations before us, Namibia welcomes that Japan will join the ICC in 2007. And we urge understanding for their related budgetary concerns. A balance must also be found between reasonably assessed contributions, our interdependence and consequent influence. Regarding the universality, Namibia also emphasizes that fair geographical representation from all regions of the world and at all levels of the ICC will contribute to the legitimacy and global

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character of the Court. Mr. President, while having a constitutional provision by which our obligations are automatically internalized. Namibia appreciates the importance of implementing legislation. We are currently drafting a bill to facilitate the implementation of the Rome Statute. Mr. President, Namibia also appreciates the importance of cooperation with the Court, with witness relocation and enforcement of sentences. While working with limited resources, we are currently considering how to contribute. We are currently drafting a bill. Namibia understands the importance of facilitating legislation. Enforcement of sentences Namibia welcomes the conclusion of the cooperation agreement between the European Union and the ICC and urges the African Union to follow suit.

Mr. President, The relationship between justice and peace has become extremely critical in recent months. Namibia acknowledges that only through the achievement and maintenance of justice can lasting peace be assured. However, we Namibians also believe, particularly with our own written history in mind, that justice can also be achieved through reconciliation, not only through punishment and retribution. That said, the provisions of the Rome Statute must be achieved.

Namibia agrees with the UN Emergency Relief Coordinator, who, after a recent visit to Northern Uganda and South of Sudan urged the UN SC to pledge peace efforts rather than push for putting the rebel leaders on trial immediately. I should also stress that my delegation agrees with our Prosecutor and others that the arrest warrants have had a very positive impact on the peace process in Northern Uganda. While on the integrity of the Rome Statute, recent developments also seem to indicate, at least implicitly, the futility of the article 98 agreements. Consider that 24 out of 25 understanding for Balance must also found Regarding universality all levels of the ICC will continue to the legitimacy and of the Court. However, Namibia with our written house justice can be achieved through reconciliation, not just punishment.

**Greece:** Mr. President, I would like first of all to state that my delegation fully subscribes to the statement made by the Finnish Presidency on behalf of the EU. Mr. President, it is a great pleasure for the Greek Delegation to address the Fifth Session of the ASP to the RS of the ICC in the context of this general debate. The significance of which, especially under the present circumstances, cannot be overemphasized. This, Mr. President, has been a landmark year for the Court for many reasons. In these five years, already a substantial period of time for the Court's existence, The groundwork has been laid. The function is more stabilized, while normalcy and predictably are being established in the day to day work of the Court. The only major technical issue which remains unsettled is that of the Court's premises. While there are high hopes that needs for a permanent premises premises will find its way to solution during ASP. The question of the present interim premises seems to be revolving around itself. It is imperative that all efforts be exerted to so that a solution be found as soon as possible. Regarding now the all important question of the substantive work of the Court, the fact that the bringing of the first case to trial is firmly within view certainly causes great satisfaction to us. This is a turning point for the Court, which now sees the materialization of the goals for which it was established.

In connection with the other cases, despite the difficulties which are understandable and could be anticipated, we believe that there is progress. The pace of which the Court must maintain. In so doing, the Court, has of course, every right to expect that it will be assisted and

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supported by all those that can offer such assistance and support in these difficult cases which involve some of the most problematic situations in the world.

Mr. President, my delegation would not like to miss the opportunity to address an issue which has recently generated important and difficult discussions from various forums, and which has already been referred to by speakers before me. What I am referring to is the apparent dilemma between justice on one hand and peace and security on the other, which seems to bring the Court into some sort of competition peace and security, or even more significantly, to view it as somehow a potential obstacle to the attainment of peace and security. This is a very dangerous idea that could undermine the very roots of the fight against impunity. The idea of which is embodied and which permeates the whole of our institute. Our own belief is, that despite appearances, this is a pseudo dilemma, which cannot stand to in-depth scrutiny. First, because it is not at all certain that impunity will secure peace and security. Second, because it does not take into account the power of the judicial process to offer catharsis. That is to say, to heal the scars which have been inflicted on individuals and people by the crimes committed in dark periods of their history, and which would otherwise remain there to haunt them for generations. And third because it overlooks the deterrent value of court, which I mentioned has always been in the mind of those who put forward the idea its establishment and reality constitutes its ultimate goal.

Having said that, Mr. President, we feel that another aspect of the circumstances surrounding the Court's development into full functionality should be given attention. We believe, indeed, that whatever the circumstances and whatever the situations the court is confronted with, the perception of its role should remain unchanged in its primordial function, which is to prosecute the perpetrators of crimes falling within its jurisdiction. This means, that although the Court is naturally expected to have a positive effect on the resolution of any conflict in the context of which such crimes were committed, it should in no way be used or turned into instrument for the resolution of international, regional, or national conflicts. The Court is not meant to be a prime actor in such a process. And, furthermore, it should not be used as an excuse for not taking action, where such action is need.

Indeed, the Court is not a substitute for the effort which should be undertaken by the International Community, or within conformity with international law to restore peace and security in troubled areas of the planet. Attributing such a role to it, could put into risk not only the credibility of the Court, but also its ability to deal with the situations it should be dealing with. Mr. President, given the positive developments that are on the way, the Greek Delegation is encouraged to hope that as the review conference is coming closer to us, full use will be made of the opportunity to explore and achieve more advanced goals, among which, that has mandated us to work: That is the definitive inclusion of the Crime of Aggression in the Court's jurisdiction.

**Portugal:** *Statement by Mr. Louis Serradas Tavares, Alternative Representative, Director of the Department of Legal Affairs of the Ministry of Foreign Affairs of the Portuguese Republic.*

Mr. President, It is with a great honor that I address the Fifth Session of the ASP to the Rome Statute. Let me begin by stating that Portugal fully shares the view already expressed in this General debate by Finland as Presidency of the EU.

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Together with our partners in the EU, Portugal considers the ICC to be a significant advancement in the development of the international law, in the real protection of human rights and for the implementation of international law, in the real protection of human rights and for the implementation of an effective and universal system of international criminal justice, in order to prevent and punish the most serious international crimes.

We note with satisfaction that the Court has now entered into a new phase of its yet short life and that it is making steady progress in its work. The first trials will certainly have a crucial role in assessing the Rome Statute in practice and also put into evidence the challenges that the Court faces in pursuing its mandate, be it in terms of arresting suspects, victim protection, choice of situations for criminal proceedings or other issues. These challenges particularly stress the need the ICC has for cooperation from States and the fact that Court is part of a wider system where peace and justice have to be reconciled.

The adoption of the first Strategic Plan, that provides a common framework for the Court's activities over the next 10 years, with emphasis on the three immediately ahead, is an important step that merits to be closely followed in the future.

We look forward to the deliberations of the Session of the ASP in the next days, based on a thorough set of documentation prepared for this purpose, and share the view that such deliberations will allow for the reinforcement of the work of the Court.

Mr. President, The main foundations of the ICC have been laid and, as we just noted above, this allowed for the Court to enter in 2006 into a new and active phase of its life with the first arrest and trial. We must not forget, however, that some important issues still have to be addressed to complete the work that was initiated with the mayor achievement that was the adoption of the Rome Statute in 1998.

In this respect, we very much welcome the Preliminary Paper submitted to the ASP by the focal point, Mr. Rolf Einar Fife of Norway, on the "Review Conference: scenarios and options" (document ICC-ASP/5/INF.2, of 21 November 2006).

In the context of the Review Conference and in the line with the Resolution F of the Final Act of the Rome Diplomatic Conference, the Preliminary Paper notes that the crime of aggression is given particular priority, as may be gathered from its conclusion in article 5 of the Statute and from the work currently being carried out by the Special Group on the Crime of Aggression, both in the course of various sessions of the assembly of the States Parties and during intersessional discussions.

We look forward for a successful Review Conference of the Statute and we stand ready to contribute to this objective in a constructive manner. We also share the view that preparation for the Review Conference should start as early as possible and would support the idea of establishing a working group of the Assembly of States Parties for this purpose.

Mr. President, Portugal signed the Rome Statute in 1998, which was approved domestically in 2002, after a process that entailed a constitutional revision. This revision consisted of adding to the Constitution a general permission for ratification of the ICC Statute, in view of the uniqueness of our Constitution which forbids extradition if life imprisonment could be

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applied. Portugal deposited its instrument of ratification on 5 February 2002, thus becoming the 51<sup>st</sup> State party.

Portugal has now adapted its own criminal legislation to the Rome statute through Laws n. 31/2004, of 22 July. This law criminalizes acts which are grave violations of international humanitarian law and others similar infractions, and follows closely the ICC Statute, sometimes even going beyond what was achieved in that treaty.

As this very moment, we are in the process of ratifying the Agreement on Privileges and Immunities of the ICC, and we hope that this endeavor can be achieved until the end of the current year or beginning of the next year. We are also looking at others forms that can increase our cooperation with the Court.

As a Member of the EU and in accordance with the Common Position of the Council adopted in 2003, Portugal has been engaging in the promotion of the universality and integrity of the Rome Statute and intends to continue doing so. In this respect, we would also like to note with appreciation the Draft Plan of Action prepared by the Bureau in order to promote the universality and full implementation of the ICC Statute. We warmly welcome all efforts by States to become parties to the Statute of the International Criminal Court and hope that one day it can reach universal ratification. Thank you Mr. President.

**Croatia:** Mr. President, It is my great pleasure to address this Fifth Assembly and join my predecessors in commending your efforts and personal dedication in guiding our work. While Croatia fully associates itself with the statement made on behalf of the EU. I would like to offer our views on a few specific points:

Mr President, the establishment of the ICC is possibly the boldest embodiment of the age old version universal order based on the rule of law. The goals we set for ourselves in the Rome Statute are deliberately very ambitious. The challenges that the Court may face in carrying them out are hardly unexpected. As we are assessing its progress, it should not be against some textbook reality, but with taking into account realities on the ground, including the circumstances of an ongoing conflict. At this stage, the work of the prosecutor and his team, who enjoy our appreciation and full support, plays a critical role in shaping the lasting perceptions of the Court. We are mindful that Court takes on the jurisdiction which replaced the arbitrariness of ad hoc tribunals. It is a precious asset, that should not be compromised by short-term political consideration.

The quest for peace, which is inherent to goals of RS, is only undermined if impunity allowed. Speaking from the perspective of a country which has extensive experience in icj, I would like to reiterate our strong belief that the establishment of the individual criminal responsibility is a guarantee for the lasting peace. It can be critical for the reconstruction of the national identity and the conflicts of a society. It doesn't mean, however, that a different sequencing should not be applied if there is a serious prospect of reaching reaching peace in an ongoing conflict, as long as these considerations do not compromise the integrity of the prosecutorial strategy.

The ICC is judicial body, while the responsibilities for maintaining the international peace and security lay at the Security Council; but there is no reason to interpret these two mandates as opposing. Their goals are complementary and mutually reinforcing. A reality which has been

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recognized by the first referral and which should guide future actions. Mr. President, we, the State Parties, created a powerful instrument to act as our collective conscience. As it enters the critical phase of the first trials, it is our responsibility to keep providing unequivocal support for cooperation, while the cooperation of the state directly affected, remains vital. Let us not forget that this duty has much broader scope and potentially affects each of us, be it through logistical assistance or other means. We are, after all, its missing executive arms.

No less important are the regular financial contributions. As we salute the broad vision of the key determinants for the long term success of the court, as reflected in its Strategic Plan, we should not under appreciate the fact that some of them have long-term budgetary implications. The authority of the Court is reinforced with each new ratification. As we are looing toward widening the statute's geographical scope, we should not forget the demand it has placed before the domestic judiciary. Strengthening the positive complementary should remain one of our goals, as we believe that the effective domestic criminal justice remains the basis of the rules-based international order.

**South Africa:** Mr. President, let me first express on behalf of my delegation our humble gratitude of the solemn recognition given to the memory with the the first Director of the Secretariat of the ASP, who sadly passed away early this year. Mr. President, the South African Delegation is extremely happy to welcome you back as Chair of the ASP . I would like to assure you of our full cooperation and support to guide toward successful conclusion. I would also like to use this opporunity to congratulate you on your appointment as the Minister of Foreign Affairs of Costa Rica and express our appreciation of your continued commitment and dedication ICC, despite your busy schedule. We also acknowledge and congratulate all the states that have deposited instruments of ratification since we last met. My delegation further would like to convey our appreciation to the President of the Court, the Prosecutor, the Registrar and all the staff of the Court for their evident commitment to the success of the Court. We commend the Secretariat of the Assembly for his hard work in organizing this session, as well as the invaluable support during the past year to the Bureau and The Hague Working Group.

Mr. President, this Fifth Assembly of State Parties give us opportunity to reflect our conducts as states in bringing to fruition our resolve to garauntee lasting respect for and the enforcment of international justice, by putting an end to impunity for perpetrators of the most serious crimes of concern to the international community, as enunicated in the Preamble of the ICC. In only 4 years, Mr. President, the ICC has made great strides in living up to its purpose with its activities having fully commenced. The Court's positive influence is being felt in conflict situations throughout the world. Parties to these conflicts are increasingly realizing that they will be held accountable for their actions, as illustrated by the various warrants of arrests that have been issued by the Court. This has, in some instances, moved such groups to moderate their actions. While in other instances, it has motivated combatants to seek a settlement of disputes or to pursue other peaceful means of resolving conflict situations.

In other areas of its work, the Court has also made progress, such as the recent conclusion of Draft Headquarters Agreement with the host states, which we shall consider during this session. Robust positive developments will inspire the swift resolution of other outstanding matters, such as the issue of the interim premises of the Court and related host states' responsibilities . The foundation of the Strategic Plan for the Court is also welcome by our

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delegation. We see this document as an important basis for the Court to work on, as well being a living document that will be adjusted to meet new challenges ahead of us. While of the view that the Court must be resource-based rather than demand-based. I therefore encourage the Prosecutor shall work with the pre-investigation team work and rotate them to cover situations that may need investigation. The Strategic Plan should also be linked to the Court's capacity model in order to provide a key indication of the Court's needs and thereby enabling state parties to anticipate their responsibilities. State parties, at the same time, have also been extremely active over the course of the past year, with The Hague Working Group alone meeting more than 18, with several more meetings being held by each subcommittee.

In particular, our delegation is pleased with the progress made on the issue of future permanent premises of the Court. We believe the Draft Resolution before us will add much needed momentum to this process without locking state parties into commitments, which cannot be fully calculated at this stage. Much work and expert advice has gone into the Draft Resolution on this issue. We strongly encourage all state parties to support its adoption. My delegation looks forward to working closely with the court to improve equitable geographical representation and gender balance in the recruitment of staff, especially the appointment more women to senior positions. Mr. President, a number of challenges remain, including strengthening the cooperation between the Court and the states cooperation, by ensuring that states have necessary legal framework and institutional mechanisms to enable such cooperation.

The ICC processes related to compensation of victims in status of the Court's proceedings also need to be comprehensively strengthened and improve partnerships and strategies with communities where crimes committed, as well as making the process as victim-centered as possible. Victim participation and support should become the core strategy of the Court. To this end, South Africa has made a voluntary contribution of about 25,000 in Euros to the TFV. The outreach activities of the Court are also particularly important in this regard and need to be further strengthened to bring the Court closer to the people which it aims to serve. A clear understanding of the functions and structure of the Court, the focus of prosecutorial work, as well as different roles and jurisdictions fulfilled by the Court and state parties are essential.

The Court cannot hope to be successful, if it not able to commit to and secure the support of affected communities. It is also for this reason that we continue to impress upon the Court to plan for hearings in the regions where crimes were committed. Finally, Mr. President, in 2009, we shall have another opportunity to take stock of our collective conduct toward the ICC within the framework of the Review Conference. We should, already at this session, initiate preparatory work on this matter and informally exchange ideas and advice, as well as the possibility of holding this event in the region, which at the moment, is at the present the primary focus of Court's activities. Mr. President, the South African Delegation looks forward to the successful consideration and conclusion of all these, as well as other issues, on agenda of the Fifth Assembly.

**United Kingdom:** Mr. President, I would like to make short statement on behalf United Kingdom. The United Kingdom also subscribes to the position of the EU, as set out in the statement made by Finland on behalf of the European Union yesterday by the representative from Finland. Mr. President, firstly, our thanks to you and ongoing role in and personal commitment to the evolution of the ICC. Thanks also to ASP Secretariat. We are also grateful

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to the Netherlands, as always, as hosts to the Court. We are conscious that, for many staff of the Court, that this takes place in challenging and dangerous conditions on the ground. We welcome the states that have recently become party to the Rome Statute and hope to see further ratifications in the future. Progress been made toward ratification of a number of states, including Japan is encouraging. Japanese accession would be another significant milestone for the consolidation of the Court. We will work constructively to achieve that goal.

As others have noted, this has been a historic year for the ICC. The transfer for trial of Thomas Lubanga is a major step forward in the fight against impunity for the most serious crimes of international concern. The United Kingdom is committed to working with the Court and with partners to ensure that momentum is maintained. This is particularly important in the context of the execution of arrest warrants, one of the key challenges facing the Court. UK would like to reiterate its view, that in Northern Uganda and elsewhere, that the goals of peace and justice are not mutually exclusive. Indeed, it is our view that justice is a necessary component of sustainable peace. We continue to support a successful resolution of the peace talks in Northern Uganda compatible with international law and the Rome Statute. As representatives of the ICC have made clear, the Court's success depends on practical cooperation in the various areas. I would urge state parties, if they have not yet done so, to explore providing assistance to the Court in fields such as witness protection, information sharing and sentence enforcement. Mr. President, The UK is looking forward to engaging with ICC's state parties other interested parties on the agenda before us at this session. We welcome the good progress and thank those who have participated in relevant progress on many of the key issues, as well as the coordinators in The Hague and New York. We welcome our ongoing dialogue with NGOs on these issues and pay tribute issues to the wider contribution of NGOs to advancing the objectives of the Court and adding value to its work.

The UK would like to express its highest appreciation for the role of CBF, which plays an invaluable role in providing expert, impartial advice to states' parties. We look forward to participating in discussions on the budget, taking the CBF's report and recommendations as our guide. We are also grateful to national technical experts for their involvement on the questions of the Court's premises. They have played an important role in the considerable progress which has been made on this issue in recent months. We hope that further progress can be agreed by states' parties this year and at future ASPs. Mr. President, The UK welcomes the Court's elaboration of an overall strategic plan and a detailed strategic plan for outreach. These will be valuable tools both for taking forward the Court's work over the year and as mechanisms against which its impact can be regularly evaluated. We welcome Court's commitment to continue dialogue with states as it works to ensure its mandate, fairly, effectively and independently, while seeking to ensure the most efficient use of the resources contributed by states' parties.

Mr. President on the Crime of Aggression, we look forward to participating in the working groups continuing efforts to work towards a draft which can command wide acceptance. Mr. President, I would also like to thank the Board of directors of the VTF. Earlier this year, the UK made a further contribution of contribution of 50,000 pounds to the fund and looks forward to seeing the fund's substantive work taken forward in 2007 and beyond. The UK was also pleased to facilitate the participation of more state parties as possible through a contribution this year of 15,000 pounds for the participation of the least developed countries.

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Mr. President, in closing, UK's continuing commitment to support ICC and the other International Crime Tribunals of Justice in the fight against impunity against genocide, humanity and war crimes. Mr. President, as states parties we must further double our efforts rapid consolidation as a central pillar of international justice.

**Norway:** Mr. President, There are now more than 100 states having confirmed their determination to put an end to impunity for the perpetrators of the most serious international crimes and to that end contribute to the development of the ICC.

Our vision is clear, our message is strong. And our expectations with regard to the Court are high, to mirror the importance of its mission.

These high expectations should set the standard for the Court in its work to transform words into action. States parties must also devote their efforts to turn rhetoric into reality.

At the same time, we should remind ourselves that these high expectations are rooted in a long term perspective. The ICC is established and developed for the sake of not only present but also future generations.

Mr. President, The success of the ICC lies in its proven record as a fair, effective and credible Court.

Let me develop certain aspects in its proven record as a fair, effective and credible Court.

Let me develop certain aspects that Norway sees as key to achieving success based on these three criteria and how we as states parties have a particular responsibility to enable the court to fulfil them.

Proven record as a fair Court hinges on the Court's ability to apply the law in an impartial manner, while at the same time protecting the rights of victims, witness and accused. The Court will not be seen as fair, if it does not. At the same time, this logic does not automatically work the other way around. The Court will not necessarily be assessed as just, even though we naturally contribute to the establishment of how it is perceived, and should constantly keep this in mind.

As we all know, the effectiveness of the Court is to a large extent dependent on the contributions from states parties through international cooperation and judicial assistance. All states parties share this responsibility. At the same time, State party cooperation remains the field where rhetoric seems to be one step ahead of action. That the ICC just started hearings of the first person appearing in front of the Court, underscores the urgency that the state take active steps to contribute to the effective functioning of the Court, Norway is in the final stages of concluding an enforcement of sentence agreement with the Court.

I started by stating that our message is strong, by referring to the fact that more than 100 states have become State Parties to the ICC. At the same time, some 20% of the Court budget is still unpaid. This sends a very wrong signal!

The ICC is a Court for the exceptional cases only. Its effectiveness can therefore not be adequately measured by looking at numbers of cases or convictions. The final test of the

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ICC's effectiveness lies in the protection of individuals from the most serious crimes. The fulfilment of our broader vision to end impunity for the perpetrators of the most serious international crimes depends on the implementation of the national measures to prosecute such crimes. Here all state parties have a great responsibility. Norway is currently in the process of introducing as separate criminal offenses those crimes which are listed in articles 6,7 and 8 of the Rome Statute into Norwegian legislation. Even though we have long had criminal jurisdiction *ratione material* with regard to these crimes, we have not yet had an explicit incorporation of them in our Penal code, and introducing such is seen as an important signal to the world and to any perpetrators of such crimes. (The implementation is due to be completed by 2008.)

To promote capacity building and prosecution at a national level, worldwide, Norway is financially supporting ICC Legal Tools Project, which provides a unique tool for the effective prosecution of the most serious crimes of concern to the international community.

To enhance the effectiveness of the Court in the administration of its own work, the Court has engaged in the process of developing a strategic plan. Norway welcomes the Court effort to identify such plan as we believe it will be an important tool to focus the work of the institution, to avoid duplication of task and unnecessary institutionalization. In this respect we fully support the ongoing dialogue between the Court and the State Parties on this matter, and the efforts to clarify the status of the plan and the terms of the ongoing interaction between the incorporation of lessons learnt from other international criminal tribunals. Furthermore, the effectiveness of the Court will depend on its ability to integrate our interdependent world. In this respect, the newly established liaison office at the UN is an important milestone. The conclusion of regional agreements, with the EU, various UN entities and the process with a view to conclude such an agreement with AU are also of importance for the effective operation of the Court. While justice is blind, the international Court should not stumble in the dark.

Crucial to the effectiveness of the Court is the cooperation by states affected by its ongoing judicial work. They have a responsibility to provide security for actors involved, a possibility to conduct investigations as well as the surrender of wanted persons. International consensus and pressure on the importance of adherence by concerned states to their international legal obligations must continue.

With regard to the third criteria for ICC's success, credibility, Norway sees out-reach as of paramount importance. For the ICC to fulfil its role justice should not only happen, it must also be seen to happen. Outreach is a shared responsibility for the Court, NGOs, state parties, and particularly states affected by the Court's ongoing judicial work.

Mr. President, We would like to take this opportunity to express our support to the draft resolution on the permanent premises. The issue of permanent premises has been subject to extensive deliberations. In order to move the process forward, we think the time has come to focus our efforts on the Alexanderkaserne.

We are sensitive to question what could arise for a new prospective members as a consequence of the scale of assessment. Norway will be open to discuss, at least temporarily and as long as unfair effects would exist, how to accommodate such concerns.

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Mr. President, Norway is a firm supporter of the ICC. We fully recognize the impressive achievements both at the administrative and operational level, of this young institution. The ICC is developing as a just, effective and credible Court. And it is with contentment that we follow the Court as it steadfastly rises as a legal pillar in the international community.

Mr. President, The challenges one faces when dealing with the past in projecting the future are well known. How to balance peace with justice has always been a complex task. The creation of the ICC has not changed this. As Norway declared by signing the Rome Statute, we are determined to end impunity of perpetrators of the most serious international crimes, mindful of the fact that the pursuit of justice is not an obstacle to the pursuit for peace. On the contrary, as inherent in the Rome Statute, the end of impunity is a confirmation of the aim of the UN of international peace and security. The limits to support impunity in violation of state obligations under the Rome Statute stems from the recognition that sustainable peace cannot be obtained without justice. Peace and justice go hand in hand, as clearly pointed out by the Secretary General Kofi Annan, addressing the 61<sup>st</sup> General Assembly, stated that “Justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of peace. In the face of pressures to the contrary, the international community should ensure that justice and peace are considered to be complementary requirements.”

Mr. President, When states achieved consensus to adopt the Rome Statute, we were all amazed by the drive of the process, now we should put the same level of energy into finding consensus on how we, as states, best can support the Court in its mission to fulfil our high expectations. Thank you.

**Democratic Republic of Congo:** Thank you Mr. President. To begin with I would like to take this opportunity to express satisfaction which my delegation feels with seeing you again in the President’s Chair at the 5<sup>th</sup> Session of the Statute of the ICC. I should like to assure that my delegation will cooperate with all the members of the Bureau and the Secretariat. Mr. President, this 5<sup>th</sup> Session of the ASP is taking place at a time when the DRC is turning a new page in its history. We have just seen the successful reporting of the first free, democratic and transparent elections in the DRC for 40 years, during which an atmosphere of political crisis prevailed. Strengthening the State based on the rule of law remains a major challenge and we must meet it if we are to break out of the cycle of violence and bring an end to the impunity for perpetrators of the most serious crimes, which for far too long have been an affront to the conscience of mankind and for which the people of the Congo have not finished paying the price. Mr. President, this 5<sup>th</sup> Session is also taking place at a crucial turning point in the history of the ICC. As you know, the Court is just now hearing its first confirmation hearings against a suspect. The fact that a national of the DRC is the first suspect to be brought before the Court brings a very great deal of determination of the DRC to continue its cooperation with the Court. This is why my government has been monitoring the proceedings with great care and with great interest. We will be keeping a very close eye on the confirmation hearing with the case against Thomas Lubanga. The government of the DRC will do whatever is necessary and whatever is within its power to assist the Prosecutor to carry out its investigation and to issue new arrest warrants. We shall, for example, take whatever legislative steps to ensure that the legal system of the DRC can create the necessary security conditions that will enable investigators to have access to those regions which have been off limits. The Court may further be assured of the full cooperation of my government to help it discharge its responsibilities.

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Last year at the ASP, we had the opportunity to express our satisfaction with opening up the first investigation by the prosecutor and issuing of the first international arrest warrants. This year is the first confirmation hearings that have caught the world's attention. We hope that very soon the Court will be able to open first trial. I think now it is pretty safe to say that the dream of the international criminal justice system has become a reality. The Court is now fully engaged in the fight against impunity for the most serious crimes which have been an affront to the conscious of humankind for far too long.

The war in the DRC has caused enormous suffering among our people and is still continuing to do so. My delegation believes that aid and assistance to victims is a guarantee that the legal system will not just pay attention to perpetrators, but to men, women and children who have suffered from perpetrators. This is a question of crucial importance for victims who hope that through the ICC that they will be able to benefit from compensation from return of what has been stolen from them and the harm done to them. My delegation believes that this is an excellent reason to support the Strategic Plan on Outreach. We also feel that the recommendation of the BFC to scale down the Court's budget item covering this issue should be reviewed very carefully with this in mind. Mr. President, the Court has already done a great deal and taken a great many initiatives, but will only able to play role in fully, when it can meet expectations of the suffering people in most remote regions of this world to achieve justice from it. If look at it this way, expectations of DRC are considerable, but they are at same time aware of the limits on the actions that the Court can take.

We all know about the principle of complementarity. We all know that the average length of investigation can vary from 6 months to 3 years. The length of trial can run from 1 years from 3 years.

The Court has already organized some trainings and workshops in the DRC. Frequency of this type of activity should be increase and not limited to simply to specialized groups. This has been the case thus far. We would like to see them expanded to cover the government which is soon going to emerge as result of our recent democratic elections.

We believe that the international criminal justice system should brought closer those who are going to be tried by it or receive justice from it. Particularly, by holding trials in regions where of the world that have seen the horror of the crimes for which the ICC has been set up to deal with it.

I would also like to take this opportunity to highlight my delegation's interest in the Special Working Group on the Crime of Aggression. We believe that its conclusion will be a useful addition to the provisions of the Statute of the ICC. I would not like to conclude without reiterating my delegation's firm intention work to protect the respect and integrity of Statute of the Court. At the same time, I would like to urge those delegations, who have have not already done so, to become members of the ICC, that will guarantee the universality in the fight against impunity. In conclusion, remind all of us enormous expectations that people of DRC have in ongoing Court proceedings. I would also to emphasize my government's attachment to ensuring full and proper protection for witnesses and victims. We and they put our trust in the ICC. Thank you.

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**Chair:** I would like to thank the Representative from DRC for his comments to the Assembly.

I would now invite the Distinguished Representative from Lesotho to address the Assembly. You have the floor Sir

**Lesotho:** Mr. President, I wish to extend the warm solicitations of the Lesotho Delegation to you and congratulate you as Chairperson at this 5th Session of ASP to the Rome Statute of ICC. Our congratulations also go to members of Bureau, the Prosecutor and the Registrar. I am confident that the Work Plan for this session will proceed expeditiously and meet the assigned goals under your able leadership. Mr. President, we are meeting today against the backdrop a recent success in the adoption of the **Resolution** by the **UN GA, Report of the ICC under Agenda Item 74 on November 20 2006**. This achievement is a testament to the earnest effort of the international community in supporting and recognizing the work of the ICC. It reflects our determination to strengthen international cooperation to combat the most serious crimes of genocide, genocide war crimes and crimes against humanity, as one of greatest threats to our common humanity. It further strengthens the role of UN GA as our central platform on engagement on such paramount issues.

The task before us now is to implement the strategy assiduously so that it will yield tangible results. Mr. President, no one would argue that war crimes, genocide and crimes against humanity are not a threat to international peace and security. We certainly need to enhance the partnership at a global level. The international community must address multifaceted root causes if we want success in this unertaking. This can be only achieved if entire membership of ASP of the Rome Statute can extend immeasurable support to the work of the ICC. In our view, the international campaign against the commission of serious crimes and efficient assistance to the Court in prosecuting the culprits according can only won through comprehensive and balanced approach in full conformity and the purposes and principles of the Rome Statute of the ICC, the UN Charter, International Law and International Human Rights Covenant.

Mr. President, on October 9, 2006, you presented a Second Annual Report of the ICC to the UN GA in New York. A very constructive and in-depth debate, on the field thereof, was entered into by various delegations. We commend the manner in which the fair and informative reports was presented.

Mr. President, the establishment of the Court was the most significant development in recent years, when concentered efforts are made by the international community to fight and eradicate impunity. There can be no lasting peace without justice. And justice and peace are thus complementary requirements. It is in this regard that my delegation will continue to strive for universal adherence to the Rome Statute of the ICC. The Annual Report clearly demonstrates that the ICC is now fully operational. The judicial phase functions have started. This includes operations in the field, as well courtroom proceedings against the first accused to be tried.

Mr. President, the President of the ICC in his address to the GA in New York emphasized that cooperation between the Court, and the UN, and cooperation by states, international and regional organizations are fundamental to an effective and efficiently functioning Court, especially in relation to arrest and surrender of accused persons, the provision of evidence relocation of witnesses and enforcement of sentences.

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It became very evident from reports of the ICC and the subsequent debate in the GA, the significant role the ICC plays in our common, multilateral system in eradicating impunity, and to establish the rule of law, to promote and to encourage respect for human rights and to maintain international peace and security. We thank you Mr. President.

**Chair:** I thank the distinguished Representative from Lesotho and invite the

**Lesotho:** Confident that plan will proceed expeditiously under your leadership. Meeting against backdrop of report of ICC and agenda item 73 on Nov. 20, 2006.

Testament efforts of ICC in supporting and recognizing work of ICC. Strengthen ICC. War crimes genocide and greatest threat to humanity, central platform of engagement. Task before us now. Implement strategy to yield tangible results. Not one argue that we genocide an cah are threat to peace and security enhance partnership at global

Root causes in success in undertaking. Entire membership of icc can extend immeasurable support to work of ICC. Internatioanl campaign and efficient support can only be won through comprehensive and balance rs and un charter and il , il hr covenant. On Oct. 9, 2006 presented 2<sup>nd</sup> annual report to UN GA, in NY very constructive debate commend manner in which report was presented. Mr. President, the establishment of court most significant report. No lasting peace without justice. It is in this regard will continue to strive for universal adherence. Annual report of icc now fully operational. Judicial phase includes field operations in courtroom proceedings. Mr. President in GA in NY cooperation between court and UN, internal regional organ effective.

Arrest and surrender of victims  
Evidence

**Bolivarian Republic of Venezuela:** Mr. President, to begin with, I should like to express to you my sincere congratulations on your appointment as Minister of Foreign Affairs of sister Republic of Costa Rica on behalf of the Government of the Bolivarian republic of Venezuela. I would also like to take the opportunity to wish you full success in chairing the work that we began yesterday in hope that we can achieve objectives set forth in this session of ASP.

My delegation would also like to express thanks for the addresses made by the distinguished President and Prosecutor on the activities of his office. Venezuela would like to reiterate its commitment to the Rome Statute and express its conviction that the ICC is essential in the fight against impunity for those who commit the most serious international crimes. It is also essential in the search to build a real international criminal justice system. We are convinced that fight against impunity is overwhelmingly important in sending a strong message to those who have committed such crimes and might feel inclined to do so. Therefore urges encourage worldwide accession to RS and widest possible cooperation activity. Between alls states and court. This will bir involved in crimes covered by rome statutes. If we are to achieve objectives in full essential that states with largest populations be urged more strongly to accede to ICC. That in itself would mean placing more than 1/3 under protective umbrella which can be offered by icc. Now has all legal and operational tools which it requires to hold proper trials with full procedural guarantees. This, in itself will avoid for inappropriate use

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for political deal perfect most serious human rights violation in a just official, just transp and efective way.

We support of all aspects strategic plan activities proper of fair trials with speeds. Also support cooperations with the states. Success in detention and surrender of those person to be brought to trial. Mr. President constituion of Bolivarian Republic of Venezuela covers int hr covenant justified by Venezuela in its constitution. If contains provisions Crimes against humanity are not subject to statutory limitations. Crimes against humanity and war crimes Cah and wc should be tried by regular courts. Have been pariticipation with the first country to ratify statute and 11th in the world. Embark upon legislation to cover crimes ensure that our laws are covered in Statute. Legislation on the table to Modify laws which need to be modified. Wide ranging discussions. Bolivarian Republic of Venezuela and its national assembly on the privileges have also pproved agreement on privileges and immunities of ICC to ensure comply with org under art. 9 of the Statute so that Court officials can do their work Court officials can without impediment being placed in their way.

Mr. President, the noble aims of ICC that our preserving, promoting respecting human rights under principles of humanitarian law are, however, still coming up against serious obstacles, which for the time being have not been able to overcome. I would like to Mention opposition of some countries, like US, to its jurisdiction. The case of the Bush administration is symbolic, because apart from anything else, have used dishonorable methods, like blackmail to protect themselves from both the letter and the spirit of the Rome Statute.

The Bolivarian Republic of Venezuela would like to appeal to all of you to defend and help all us to ensure respect for the Rome Statute, and in so doing reject bilateral agreements that are an attempt to get waiver on jurisdiction of the ICC for the nationals of countries who are not even state parties to the Statute. Agreements like this kind make no contribution whatsoever the fight against humanity, nor do they guarantee that justice is provided for vitcims.

As we know, the first situation handed to over under to the ICC by the SC in accordance Article 13 of Rome Statute is now being dealt with. There are certain limits to certain resolutions that the UN Security Council could adopt and that they derive from the existence of an international legal instrument such as the Rome Statute. One of these limits is that there should be no interpretation or links made that could undermine the legal foundations of the Court and endanger its exercise of criminal jurisdictional against perpetrators of the most serious international crimes.

Mr. President, on behalf of my delegation, I would like to express my understanding for the concerns mentioned by some of the delegations. What I am actually referring to here is matter of the Court's premises. This is a very important issue on which a decision needs to be taken quickly. We need to have a permanent headquarters for Court without further delay . It is essential, also, that the host or headquarters country comply fully with the commitments has taken on with in the Headquarters Agreement with the ICC.

The selection of Court's official should be subject to fair geographical representation and gender equality. We have already mentioned that there is a very small proportion of countries from our region on the Court's staff at the moment.

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Lastly, I should like to refer to the Definition of the Crime of Aggression in the Rome Statute. The Bolivarian Republic of Venezuela notes with satisfaction the work that has been accomplished by the Working Group on the Crime of Aggression. We believe that this work will contribute to having a definition of the crime of aggression in conformity with **Article 5.2 of the Rome Statute** and that will be an indispensable part of international criminal legal provisions.

**Austria:** Thank you Mr. President. Mr. President, Austria fully subscribes to the statement delivered by Finland on behalf of the European Union and thanks them for their excellent seminar on impunity in Helsinki earlier this year. Mr. President, Austria, by tradition, strongly supports the ICC. We were among the first to sign and ratify the **Agreement on Privileges and Immunities** and the first state party to enter into agreement with the Court to enforcement of sentences. During our own new Presidency, we organized CIS countries as contribution to our common goal in promoting adherence to the Rome Statute.

Austria joins other delegations in commending Court in its layout so transparently its Strategic Plan of the Court, Draft Budget, Court Capacity Model, as well as Outreach Strategy. Thank BFC Chairman for their invaluable recommendations which considerably facilitated assessment of budget. Let me pay tribute to the host country for finalizing Headquarters Agreement Permanent premises for the court take necessary decisions short interim solutions. Hope take necessary measures to allow

Denmark, Norway and Ireland and others about interrelations with ICC and UN Security Council. Best possible cooperation is required between ICC and UN on ground and institutional level, especially in New York. Welcome accession of Japan to stand ready to participate in assisting Japan referred to in its statement earlier statement. Austria participated in several peace talks in Northern Uganda. Appreciate commitment of Delegate Uganda to find solution in accordance with Rome Statute.

Focal point for review conference. Austria finds it useful and necessary to raise this important question. We intend to participate actively by presenting results of International Retreat Seminar at Salzburg last May and which was devoted to future of ICC. Advance copies of report of seminar available for tomorrow's special meeting. Thank you Mr. President.

**Mongolia:** Mr. President. One most important mark ratification. Mongolia permanent members of Court. Connected with belief rule of law justice. Take active part in making goal reality. Supported early establishment of ICC as permanent court could substantially reduce impunity and enhance deterrence in perpetration of serious international crimes: genocide, crime against humanity and war crimes.

Mr President, Mongolia is one of few Asian states to ratify. Thus opportunity to demonstrate leadership role has resulted in strong domestic, political will for ICC implementation.

People of Asia have witnessed genocide, crimes against humanity, war crimes. Millions killed. Many still suffering from trauma of crime

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Redress of victims still an issue. Not a single person has been punished in accordance with International Law. Such impunity that many Asian countries plagued with graves crimes, particularly those with military and civil conflict. Key factors for crime:

Weak domestic political system

Lack of will

Two significant ways

Heads of state no longer use weak domestic system as shell to protect them from criminal liability

ICC can help to strengthening of domestic instiation

Effect on internal managemen of country, more consensual forms of government.

Implemented by law particular possible international jurisprudence more likely than before

Correspondent legislation has been made in Mongolia

Still much work needs to be done. Mongolia prepared to work with others in making operation and universal. Mr. President Believes function of Court independent crucial principles and rule of law in general. Mongolia will continue Promoting rule of law and justice for all.

**Comoros:** Mr. President, on the July 17 in Rome, 1998, my country was among the first to signed onto to the creation and 8 yrs later great pleasure for me to represent my country as first time as state party to icc. First time to represent as party to ICC. Comoros crisis political undermine foundations, led to establishment of new institutional framework and we separated crisist crisis. New young Comors parliament recently established since 2004 after long electoral process which was open and transparent and democratically. Immediately produce fruit and socioeconomic and working with international community. Parliament voted on the text of necessary to constitution june last year, parliament voted law authorizing president to ratify Rome Statute of ICC. Now one year after that at 4<sup>th</sup> ASP participated as observer and now become the 101<sup>st</sup> country to ratify. Like to thank CICC thanks to communication and information in field enabled us to clarify process of ratfication. Mention my colleagues from the Coalition and the NGO parliamentarians for action and technical matters in the field. Elaboration of Strategic plan for us. And now two years following ratification continue process for laws of implementation. Examining 2 bills:

### **Cooperation**

#### **Modification and incorporation on crimes under jurisdiction under ICC.**

Requires cooperation. We are pleased to be present. Emergence at international jurisdiction. Supports and promotes cooperation with ICC.

**Ghana:** Mr. President, Commend president for vision and tireless efforts that guided and shaped court in present years. Emphatically, signal determination of ic to end impunity for most serious crimes. Since inception, made impressive strides establish as vital organ in is DRC case Lubanga and issue of arrest warrants. Has moved from to fully operational court.

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Agreement with EU and AU increase scope of activities. Cannot be successful without advice and support. Imperative must provide resources and political will to discharge.

Send wrong signal, betrayal. ICC can only be strong and effective as we the state parties want it to be. Logical extension. Practical objectives. Symbolism of bringing justice to affected heal emotional scars important justice not seen as abstract remote by battle scarred victims

Compensation counseling not just materials whatever necessary to facilitate healing process.

### **Sudan**

Honored to address first session of members of able manner wish well also wish to thank for President and Prosecutor

Negotiation process that led to establishment of ICC. Strong conviction to create national legal body that responds to reality of international relations and strictly follows principles of rule of law, universal law. Court perfectly designed due in accordance with due process and without partiality. Important at this juncture. Court evolution creates solid international criminal justice system. Hence the court must be shielded from negative influences of agencies external to it. Many of us earlier cautioned of giving political entity ability to influence Court's independence did just that **Res 1432, July 12, 2002** stands clear manifestation of this serious flaw. Role taken by UN Security Council to override national treaties. Undermine court heavily felt. The priorities of states parties lies in addressing sensitive relations. Reform of Security Council mechanism establishing the relationship between 2 bodies reformed as well.

Each of two legal bodies. Indispensable. Why Security Council to refer to Sudan for consideration by the Court, but almost impossible in Israel. Influence by political consideration.

Series resolution against the government of Sudan. Firm opposition to Court. Attest to degree of cooperation. Questions posed armed forces, judges and government for compensation. To extend bias political conclusion to emphasize consolidate complementarity and resources. Complementarity comprise core essence of Court national jurisdiction for Darfur.

Investigate and clear to fight impunity. Mr. President Darfur Peace Agreement. Widely accepted dispute settlement practical steps. Darfur dialogue all these measures contribute to substance. Thank you Mr. President.

**Yemen:** In the name of God, the merciful and compassionate. Chairman of 5th Assembly of States Parties, ladies and gentlemen, Peace of God on you. I extend my congratulations on you and members of Bureau. ICC and I wish that all proceedings be crowned by success. ICC is acquiring further importance more than any time before in area of international crime. First states that contributed positively, holding of Conference of Rome that set main rules of procedure of the court. It was 28/12. The Court entered into force in 2002. Yemen approved and ratified Rome Statute, national legislative council is attached to and consultation and deliberations in ad hoc necessary constitutional amendments. We hope to reach final ratification of ICC We hope that mandate will be complementary to court.

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Article 5, War of Aggression and crime of aggression are all condemned by Yemen. Contacting other member governments in order to share main achievements within Arab League of Statute, vis a vis Rome Statute. Hope to reach positive Arab position will help all Arab states will help to ratify the statute.

ICC is a great judicial achievement in order to end acts on violence of terror and wars of types, crimes and terrorism, genocides as well as mass destruction and all heinous acts perpetrated against humanity in East and West, all around the world, many people with impunity. ICC is within the protection of humanity all rights guaranteed agreements and conventions and tools and relevant to international community with noble goals. Republic of Yemen Confirms its respect for human rights and basic freedom, condemns terror and violence and use of power between nations. Created national emerging forum of democracy protect human rights and women's participation in political action. Note that Republic of Yemen has hosted Conference on Democracy and Human Rights in 2004. Political reform conference on 25 26 June 2006. Asia and Africa participation, all countries successful and levels of participation, no peace without justice. Under supervision of international, was pilot experience. Election of June 2006 under supervision of International observers.

Great progress achieved under President in terms of respect of human rights and participation woman great steps in our country in all fields political reforms support all rules of stability and security. Opportunity to attract foreign estimates. London Conference (for investment) this year. Estimate that led to growth welfare for society held in November official political in order to set basis for rules and measure that will prepare society to meet international rules and standards. Guarantee harmony and understanding real basis and respect of human rights. Finally reiterate congratulations of this 5th Session of member states and wish full success for all recommendations resolution in order to achieve Statute and all objectives set ahead of us. Peace of God on you.

**Chair:** Thank the distinguished Representative of Yemen for his statement. Now without further delay would now like to give the floor from NGO. As agreed to yesterday, the Assembly would now order a 45 minute period to hear statements from a limited. The first NGO on my list is the Coalition for the International Criminal Court (CICC). You have the floor Mr. Pace.

**CICC:** Leaders of the ICC, distinguished delegates on behalf of more than 2000 members pleased to address General Debate at the Fifth Session of the ASP.

Comprises 2000 members from Africa to Asia. Appreciated consultative role and have established with Coalition. CICC and members of cs contribute to every aspect in Hague in UN in capitals around the world. Proceeding with investigation. Important to do for itself...due to lack of resources

104 states parties. Have significance, political, legal economic must not be empty platitude like Geneva conventions imperative to support work of Bureau on ratification. Offer assistance to individual organizations, assistance of regional coordinators. Achieved considerable progress over the past year. Coalition notes that stock taking cannot be measured by detainees in The Hague. Must be assessed in totality analysis, arrest warrants, outreach, jurisprudence, cooperation and more

Prepared by Tanya Maxwell of the Council for American Students in International Negotiations (CASIN)

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Welcomes increased focus. Continue devise to enhance cooperation and complementarity by Assembly and ICC. Necessary planning through creation of subsidiary organ. Serious evaluation and stocktaking strengthen commitment and bring more countries almost 9 yrs. This work require decades. Continued investment, actors building basic institution to keep up with ICC regarding commitment. Truly fulfills first Preambular phrases in UN Charter

**DRC National Coalition for ICC:** Thank you for enabling me and colleagues. Investigation and judicial procedures with luganga case, ICC together with coalition for icc has engaged in outreach and engagement activities. Arrested and surrendered engaged in ifomratino activieiks with local population. Broadcast in DROC. POLL TO ASSIST IMPACT 15 APPROXIMATELY 3000 ONLY 23% watched on TV. Court strengthened and enhanced before and during the confirmation hearing. Ensured live broadcast. In DRC. In next few days look at costs, both officials and public interest in proceeding. Hope placed in ICC enormous ICC really become deterrent for potential war crimes and reestablishment of peace and assurance of justice here. Make sure court has efficient resources to execute in DRC and other regions. Acceptance by people to who provided justice.

**Parliamentarians for Global Justice:** Voice of 1000 members of parliament of 113 years. 17 years working around the world to establish icc. Rome 1988 supported efforts of state with full guarantees of accused. Addresses rights of men and women. Lasting and peace processes. We congratulated icc on work conducted in past year. Welcome chambers guaranteeing rights of victims.

Operative and strategic actions of the court. Bringing a type of justice delivered. Restorative. May be capable of deterring future crimes. PGA all around th world very engaged in political of icj. With aim of maximizing aim of icc. Achieve goals enshrined in domestic and international justice sequencing of different types of accountability mechanisms. Arrest suspects, Mr. president July 7 1998. universality believe objective main families of judicial systems represented. Chad and komorrow brought 19 3 arab league. Komoros. Mr. ushmane Gondowa. Prepare to build consensus to achieve ratification just hear few minutes ago. Real universality remains long terms.

Misconceptions impede 88 states to join beginning of change in us approval of us. Ending of some restrictions of military operations against

Tokyo 4<sup>th</sup> and 5<sup>th</sup> Dec. consultative Icc and rule of law. Only global forum gather to share experience and takes vow of action in icc. Guarantee that nation honors commitment. Hopes by early next year. All sectors take final step to accede Rome Statute. PGA members in Japan

Promote full implementation of rs by state party and where not party to rs. Enforcement pillar relies on all cooperate with court without delay or hindrance. Neglected objected. Result no more than 50. lacking implementation ic have haven. Not being id, captured or tried. Very high costs in closing failed implementation effectiveness always against of degree full implementation relies on fundamental resources and oversight. GD asp highest level of official to commit to court. One voice as a collective. 104 to call for active for most serious crimes of our time.

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**Darfur Consortium:** I am Sudanese lawyer human rights activist independent member of consortium address ICC. No doubt that Darfur case of utmost importance. Give opp to draw proper international standard. Although longing now to see process of comprehensive justice taking place in the country

Another point: See ICC achieving successes as independent institution. Ad hoc tribunals administer icj. As long as international, perception within ic. What gives it life, fulfillment. Attending possessing sacred dimension. In this regard, perception of icc, essential to impact must be carefully nurtured. Lst may negotiations. Ic, leaders of Darfurians would be referred to icc. Misrepresentation. No response to correct blatant misconception. Not only affect ICC, but will jeopardize confidence of grassroots. Commitment to outreach. Permit Court to conduct effective and strategic outreach in Sudan.

**HRW:** Thank you Mr. President. Welcomes session. Grateful for opportunity to make remarks. Has potential to be important milestone. Touch on 3 specific points. Needs to draw from ad hoc tribunals. Want to acknowledge significance of events:

- Mr. Thomas Lubanga
- Open NY office
- Evolution of Strategic Plan
- Plan on Outreach

In context unprecedented institution over time. Burdens on court enormous. Efficient investigations. Fair trials 100 miles from where occurred. Core of work, be primary. Will not be enough for ICC to succeed. Court seated far away, irrelevant by people. No deep rooted legitimacy. Suspicion and hostility. Working on behalf diverse stakeholders simultaneously. Crucial constitutional outreach at ad hoc tribunals. Most affected by crimes most difficult to reach. So important that court grappling with court and participation. Assembly must give court money to need to. Meaningful essential helped to strengthen respect for the rule of law. Fundamental aspect as embodied in Rome Statute.

The opportunity for state parties to discuss substantive matters. Court's independence. State parties use opportunity thoughtfully. Principle and transparent exchange of views. Both to icc and governments. To raise issue field activities in cities of investigation. Positive complementarity. Strategic Plan needs further work. Urge delegations in resolution adopted. Call on Hague Working Group seized on the matter. Consult civil society about sp. Report of activities to 5<sup>th</sup> ASP. Not formally before ASP. Success of court crystallized challenges

Interface in peace and justice. Manifested in northern Uganda. Peace and justice are complementary. Peace talks between ending 20 year conflict. Devastating ending IDP camps suffered egregiously for nearly 2 decades. Prosecution for serious crime for durable justice peace and democracy, fair and credible trials emerging from talks in Juba. Work for outcome for peace agreement and prosecution. People in society treated equal. Trust in institution and stability. **Security Council** referral *Article 16 of Rome Statute* would be inappropriate. Play on facts inappropriate interferences by Security Council. Some alternative not yet clear. Accompanied by fair trial, fear and public hearing. Presumption for innocence. Many challenges, ability to meet challenges and looking to ICC for redress. Shock on conscience of humankind.

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Agenda Item 11, 5th financial year, budget and finance. Meeting starts at 3 pm.