

EXCERPTS FROM THE 6TH COMMITTEE ON THE INTERNATIONAL CRIMINAL COURT

UNITED NATIONS, NEW YORK
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Below are excerpts from statements made at the 6th Committee of the 58th General Assembly, on Agenda Item 154: The International Criminal Court. Senior government officials and 6th Committee representatives from countries in every region voiced their views about the importance of universal ratification of the Rome Statute of the ICC and stressed the need for a fair, effective and independent Court free from political interference.

Several delegations emphasized the need for a relationship agreement between the United Nations and the ICC. Some governments made references to efforts to undermine the ICC, and urged states to uphold the integrity of the Court. In addition to the remarks included below, representatives of several other governments took the floor including: ASP President HRH Prince Zeid Ra'ad Zeid Al-Hussein, Argentina, Cuba, Jordan, San Marino, Tanzania and Ukraine.

The full text of most statements is available at the Coalition's website: www.iccnw.org

Australia

"The International Criminal Court (ICC) is now a reality. Australia strongly supports the Court, and the progress it has made. We firmly believe the Court will deter people from committing genocide, war crimes and crimes against humanity; and will make a valuable contribution to the punishment of those who do commit these egregious crimes. At the national level, we have put in place all necessary domestic legislation, and we have paid our contributions in full and on time. We urge all states parties to do likewise."

-- *Mr. Michael Bliss, First Secretary, Permanent Mission of Australia to the UN*

Brazil

"...That means that by carrying out our duties with the Rome Statute within our domestic legislation we are helping the Court to move successfully forward. The enforcement of the Rome Statute domestically is the best key to answer to the Court's biggest challenge which is to reconcile the ICC's global ambitions with its limited resources.

...Initiatives aimed at extending the exemption of individuals from ICC jurisdiction must not be carried out at the expense of the effectiveness of the historical achievement represented by the entry into force of the Rome Statute, a major step to prevent continuing impunity for the worst sort of crimes. Brazil reiterates that attempting to dismantle such an achievement does not serve the cause of Justice."

-- *6th Committee Representative, Permanent Mission of Brazil to the UN*

Canada

"We are aware that some states remain unpersuaded of the value of the ICC. We are convinced that the Court will rise to this challenge and prove its value to all in the international community. In the meantime, those states which question its value should

avoid actions that would undermine its role as an instrument of justice, and recognize that the Court has a clear mandate to investigate and prosecute the world's worst crimes, and that it possesses the necessary checks and balances to prevent abuse. Questioning the value of the Court sends mixed signals about the rule of law and are not conducive to our common goal of a stable, secure and peaceful international order.

...Where the jurisdiction of the ICC is accepted by the State affected; where that State is unwilling or unable to respond to crimes coming within the Court's jurisdiction, and where there is no hope for the victims other than the ICC -- we trust that states committed to justice will set aside their concerns and support the work of the ICC, if only for the sake of the victims and to ensure accountability. In particular, we would urge the Security Council faced with such cases to act unanimously and decisively to help, and not hinder efforts to restore justice and to uphold the rule of law. UN support may make the difference between success and failure, indeed between life and death."

- *HE Amb. Gilbert Laurin, Deputy Permanent Representative, Permanent Mission of Canada to the UN*

China

"The birth of ICC reflects the international community's long-held ideals for the rule of law. Attached to this infant are the aspirations for justice and a fervent hope for peace of the whole international community. However, just as individual's development is influenced by many factors, the ICC's future evolution is fraught with uncertainties. What we hope to see is that before long, an independent and just international judicial body that truly commands respect will emerge to play an important and positive role on the international stage. China is ready to work tirelessly with other countries towards this end."

-- *HE Amb. ZHANG Yishan, Deputy Permanent Representative, Permanent Mission of China to the UN*

Democratic Republic of Congo (DRC)

[unofficial translation]

"My delegation would like to confirm its engagement with and support for the ICC, a Court whose independence from the Security Council, and whose permanent character demonstrates its unique nature, in comparison to the preceding [ad hoc judicial] institutions. This represents a commitment to the success of its objectives. (...) That's why my delegation pleads for a strict respect of the integrity of the Statute of the Court."

-- *Mr. Zénon Mukongo Ngay, Counsellor, Permanent Mission of DRC to the UN*

[Original French]

«Ma délégation voudrait confirmer son engagement et son soutien à la Cour pénale internationale, une Cour dont l'indépendance vis-à-vis du Conseil de sécurité, son caractère permanent qui lui rend toute son originalité par rapport aux institutions précédentes, est un gage de réussite de la réalisation des objectifs qui lui sont assignés. (...) Voilà pourquoi ma délégation plaide pour un respect strict de l'intégrité du Statut de la Cour».

- *Zénon Mukongo Ngay, Représentant de la RDC au 6^{ème} comité de l'AG de l'ONU*

Gabon

[unofficial translation]

“Gabon, as a member of the Bureau of the Assembly of the States Parties considers the International Criminal Court as an invaluable instrument that will reinforce the instauration of peace and international security.

...My delegation would like to express its satisfaction for the adoption of the resolution recognizing the coordinating and facilitating role of the NGO Coalition for the International Criminal Court. We thank this organization for what it has been doing until now.”

- *Mr. Russel Mezémé Mba, Counsellor, Permanent Mission of Gabon to the UN*

[Original French]

« Le Gabon, membre du bureau de l'Assemblée des Etats Parties voit en la Cour pénale internationale, un précieux instrument qui viendra renforcer l'instauration de la paix et de la sécurité internationale.

...Ma délégation voudrait exprimer sa satisfaction quant à l'adoption par les Etats Parties d'une résolution relative à la reconnaissance du rôle de coordination et de facilitation de la coalition des O.N.G pour la Cour pénale internationale. Nous saluons les efforts entrepris jusqu'à lors par cet Organisme. »

- *Russel Mezémé Mba, Représentant du Gabon au 6^{ème} comité de l'AG de l'ONU*

Italy (on behalf of the European Union and associated states)

“We are confident that the Court will soon prove to be an independent and effective institution, and everyone will be able to verify that the Rome Statute guarantees the highest criteria of justice and does not lead itself to political manipulation.

...Widest participation, preservation of the integrity of the Statute and commitment to fight impunity for those responsible for international crimes are the pillars of the Common Position of the Council of European Union on the ICC of 16 June 2003. The Common Position leaves no ambiguity regarding our determination in respecting the letter and spirit of the Rome Statute and in bringing about its universal effectiveness.

With a view to protecting the integrity of the Rome Statute in the context of our relations with States that have concerns about the Court, the EU will maintain a broad-based dialogue with those States on all aspects of the matter. We are confident that those States share the same fundamental values and place the same major importance on the goals of putting an end to impunity for the most serious crimes and of identifying and trying those responsible for committing them.”

-- *Professor Giuseppe Nesi, Legal Adviser, Permanent Mission of Italy to the UN*

Japan

“In order for the ICC to garner the widest possible support from nations around the world, it is of vital importance for the Court to attain effectiveness as well as universality. It is also important for countries to be able to have the sense that the Court belongs to them, and to have confidence in it. In this regard, we have seen a number of efforts made by the Court in order to enhance its transparency.

....Japan values these efforts of the Court to make itself accountable for its activities.

Such an open and proactive approach is of great importance in ensuring its transparency not only to State Parties but also to those countries which have yet to become State Parties, including Japan.”

-- *Mr. Takahiro Sato, Permanent Mission of Japan to the UN*

Lesotho

“The court is now functioning, and what is now left is the credible and effective delivery of justice. The composition of the judges, and their dedication to the cause is thus crucial. The vigorousness with which the elected judges, the prosecutor and other staff of the Court have plunged into the difficult groundwork - the drafting of regulations of the Court and formulation of policy - is evidence of their strong desire to set up a structure of the highest standard, hence to deliver the highest standards of justice. From the calibre of these officials, we are confident of their capabilities and are certain that the Court will live up to the expectations of the women, men and children who have continued to suffer in the hands of those who cherished the culture of impunity.

...My delegation welcomes the recognition by the Assembly of States Parties, of the important role of the NGO Coalition for the International Criminal Court in the ICC process. The contribution of civil society to this process at the national and international levels continues to grow more and more.”

-- *Ms. L. Khiba-Matekane, Legal Counselor, Permanent Mission of Lesotho to the UN*

Liechtenstein

“At a time when the work related to the ICC has almost entirely moved to The Hague and has, from a formal point of view, been detached from its mother organization, the United Nations, it is all the more important to stress the increasing relevance of the Court for the substantive work of the United Nations, and vice versa. The United Nations, which had long neglected the element of justice in its attempts to bring about peace to many conflicts in the world, could greatly benefit from the work of the ICC, and the ICC could greatly benefit from cooperation in particular with UN agencies and presences in the field.

...Despite the Court’s establishment and the moving of the Assembly of States Parties to The Hague, support on behalf of all States Parties continues to be needed at UN headquarters in New York, as well as in other fora, at the international, multilateral, bilateral and national levels. The commitment of States Parties to an impartial, independent and effective International Criminal Court is key for the achievement of this goal....”

-- *Mr. Stefan Barriga, Legal Adviser, Permanent Mission of Liechtenstein to the UN*

The Netherlands

“The ICC is here to stay and growing stronger every day. My country will continue to support the integrity, independence and effectiveness of the Court. We will also continue to engage in an open dialogue with countries that still hesitate to embrace the ICC. The fight against impunity for the most heinous crimes must continue. Perpetrators of such crimes cannot be left unpunished. This is the reason why we feel that this resolution, as technical as it may seem at some points, is important. Considering the discussion, I conclude that the draft resolution is broadly supported. We therefore call upon all Member States to endorse the draft resolution. “

-- *Mr. Carl Peersman, Legal Adviser, Permanent Mission of the Netherlands to the UN*

New Zealand

“If the ICC is to be truly effective, it must have the greatest possible geographical reach. New Zealand continues to support efforts towards universalisation of the Rome Statute. We therefore commend those States that are in the process of becoming party to the Rome Statute, and hope that other States will also consider becoming party to this significant agreement.

...In this formative period all States Parties have a particular responsibility to support the ICC they have helped to create and to protect and maintain the integrity of the Rome Statute and the principles it contains. In that regard, New Zealand takes this opportunity to reassert its commitment to both the letter and the spirit of the Statute.”

-- *Ms. Elana Geddis, Legal Advisor, Permanent Mission of New Zealand to the UN*

Nigeria

“The establishment of the International Criminal Court is a concrete expression of the determination of the international community to put an end to the perpetration of heinous crimes against humanity. We have no misgivings that the ICC will go a long way in ensuring the promotion of international criminal justice and the intensification of the fight against impunity.

...My delegation will continue to contribute to the enhancement of the work of the Court and also cooperate with other countries in this regard. It is our view that only a universal adherence and participation by all states that can give fuller meaning to the Statute. We therefore urge all States that are not yet Parties to the Statute to do so. We accordingly call for increased cooperation among all States and between the ICC and relevant entities.”

-- *Mr. Felix E. Awanbor, Minister, Permanent Mission of Nigeria to the UN*

Norway

“My delegation reaffirms its consistent support to these important tasks. We are confident that the Court will rapidly establish its credentials as a vital institution in the fight to end impunity for those responsible for the most serious crimes of international concern.

...Finally, Mr. Chairman, I wish to express once again Norway’s full and long-standing commitment to the effective operation of a credible and responsible Court that enjoys the broadest possible support of States. This is not only an expression of our consistent approach to long-term peace and reconciliation through justice. It also reflects what we believe to be a realistic assessment of the needs of today’s interdependent world.”

-- *HE Amb. Wegger Chr. Strommen, Deputy Permanent Representative, Permanent Mission of Norway to the UN*

Peru (on behalf of the Rio Group)

"The existence of the International Criminal Court enriches outstandingly the legal structure of the international community and complements the efforts of the national jurisdictions, to confront crimes that represent the worst harm to a human being. We have the collective obligation to combat the crime of genocide, the crimes against humanity and war crimes; therefore, the international community needs the international law.

...Furthermore, we reiterate our compromise to contribute that the Criminal Court fulfills efficiently its mandate and to promote the integrity of its Statute. It is in the exercise of the delicate responsibilities that have been commended to the Court by the States Parties, that it can achieve not only with its mission, but that it can contribute with the fundamental principles of the United Nations to achieve the international cooperation for development, the respect of human rights and the maintenance of international peace and security.

...The Member States of the Rio Group, reiterate our satisfaction for the advancements reached in the implementation of the International Criminal Court, advancements that strengthen the international law and that deserve the cooperation that the Court requires from the international community, for the fulfillment of its mandate."

- *HE Mr. Marco Balarezo, Minister, Permanent Mission of Peru to the UN*

Republic of Korea

"My delegation reiterates its full support for a continued cooperative relationship between the United Nations and the ICC to ensure that justice and the rule of law prevail in the world.

...Indeed, the next few years may be one of the most trying periods that the newly established ICC will ever face. Thus, it is imperative that the international community continues to provide the ICC with their effective cooperation and assistance. To prevent impunity around the world, non-States Parties need to be encouraged to accede to the Rome Statute as soon as possible, while current States Parties must adopt the legislation necessary to implement the Statute. In this regard, my delegation supports the provision of technical assistance to States Parties as well as to those States wishing to become Parties."

- *Mr. Myung-jae Hahn, Legal Advisor, Permanent Mission of the Republic of Korea to the UN*

Senegal

[unofficial translation]

"The growing interest expressed by the international community for the Court is reflected by the strong support for the ICC statute since its entry into force, and by progress made towards a high degree of universalization, with the upcoming entry into force for the 92nd State Party. (...) As such developments convince us of the relevance of this new institution and its role in the landscape of mechanisms for the progressive establishment of the rule of law, it remains that this new arrival in international relations will see its efficiency depending largely on the will of the States Parties to implement, without delaying, in their own legislative arsenal, the standards contained in the Rome Statute."

-- *Professor Cheikh Tidiane Thiam, Director of Legal Affairs, Ministry of Foreign Affairs of the Republic of Senegal*

[Original French]

"L'intérêt croissant manifesté par la Communauté internationale pour la Cour est reflétée par la forte progression de son statut, depuis son entrée en vigueur, vers un degré élevé d'universalisation avec son application, d'ici quelques semaines, à son 92^{ème} Etat Partie.

Si de telles performances achèvent de convaincre de la pertinence de cette nouvelle institution et de son rôle dans le paysage des mécanismes qui concourent à

l'instauration progressive d'un nouvel *Etat de droit* à l'échelle internationale, il demeure que cette nouvelle venue dans les Relations internationales verra son efficience dépendre largement de la volonté des Etats Parties de mettre en œuvre, sans tarder, et dans leur propre arsenal législatif, les normes contenues dans le Statut de Rome"

-- *Pr. Cheikh Tidiane Thiam, Directeur des affaires juridiques et consulaires, Ministre des Affaires Etrangères de la République du Sénégal*

Sierra Leone

"The achievement thus far gives concrete expression to the collective hope of mankind to set up an international criminal institution that will be inextricably linked to the establishment of justice and the rule of law in international relations.

...I wish to reaffirm Sierra Leone's commitment to justice and the rule of law and our unfettered support for the International Criminal Court is a practical expression of our commitment to the Court.

...This delegation will respectfully encourage the Secretary-General to facilitate as a matter of urgency the relationship agreement between the ICC and the United Nations. We also look forward to a very fruitful cooperation between the new ICC Secretariat and the United Nations."

-- *HE. Amb. Allieu I. Kanu, Deputy Permanent Representative, Permanent Mission of Sierra Leone to the UN*

Switzerland

[unofficial translation]

"The establishment of the International Criminal Court follows the logic of complementarity between the pursuit of justice and the promotion of peace. Indeed, although the International Criminal Court and the United Nations are independent of one another, these two institutions will gain largely from strong and constructive relations between them, because they share a common objective: working for a just world free from war.

For Switzerland, justice and peace are not opposing factors. In this context, we consider that certain recent Security Council resolutions, which imply the opposite, are not without their problems.

(...) Other States or United Nations bodies must not compel States Parties to the Rome Statute to choose between obligations deriving from the Rome Statute and other international obligations incompatible with the former.

-- *Mr. Jürg Lauber, Counsellor, Permanent Mission of Switzerland to the UN*

[Original French]

« L'établissement de la Cour pénale internationale répond à une logique de complémentarité entre la poursuite de la justice et la promotion de la paix. En effet, bien que la Cour pénale internationale et l'ONU soient indépendantes l'une de l'autre, ces deux institutions bénéficieront grandement de relations fortes et constructives entre elles, car ils partagent un objectif commun : œuvrer pour un monde plus juste et exempt de guerres. Pour la Suisse, le droit et la paix ne sont pas opposés. Dans ce contexte, nous considérons que certaines résolutions récentes du Conseil de sécurité, qui impliquent le contraire, ne sont pas sans poser des problèmes.

(...) Il ne faudrait pas que d'autres Etats ou des organes des Nations Unies acculent les Etats Parties au Statut de Rome en les forçant à faire un choix entre les obligations découlant du Statut de Rome et d'autres obligations internationales incompatibles avec les premières ».

-- *Jürg Lauber, Conseiller, Mission permanente de la Suisse auprès des Nations Unies*

Trinidad and Tobago (on behalf of CARICOM)

“An International Criminal Court that functions effectively with the support of the international community will send a clear message that no individual is above the law and that each person responsible for such atrocities will be brought to justice, either domestically or internationally.

...Finally, CARICOM States wish to place on record their contended support for the International Criminal Court and for the ideals upon which the Court is based. It is our hope that every Member State of the international community will soon be in a position to become a Party to the Rome Statute and to play an important part in putting an end to the culture of impunity for the grave offences that continue to plague our world.”

-- *Ms. Gaile Ann Ramoutar, Legal Advisor, Permanent Mission of Trinidad and Tobago to the UN*

Uganda

“Uganda is pleased with all the accomplishments achieved by the Court while at the same time being aware of the challenges that still lie ahead, one of them being the serious consideration of looking into ways to enhance public awareness and ensure wider participation. The Court needs the support and commitment of all of us member States, because it is only on the basis of an effective Court that the culture of impunity will be eliminated, thereby making a significant contribution to maintenance of International Peace and Security.”

-- *Mrs. Juliet Semambo Kalema, Permanent Mission of Uganda to the UN*

United States

“For all these reasons, among others, the United States cannot support the ICC. At the same time, the United States is committed to accountability for war crimes, genocide, and crimes against humanity. The United States has a record that is second to none in holding its own officials accountable for such crimes, as well as in supporting properly constituted international war crimes tribunals from Nuremberg to the International Criminal Tribunals for the [Former Yugoslavia](#) and [Rwanda](#) today – and, in training all members of our Armed Forces in their obligations under international law and holding them accountable. Properly understood, therefore, our lack of support for the ICC reflects our commitment to the rule of law, not our opposition to it.”

-- *Mr. Nicholas Rostow, General Counsel, US Mission to the UN, following the adoption of the 6th Committee resolution on the ICC*

International Committee of the Red Cross (ICRC)

“We noted that the ICC reflects what is now an established international consensus that war crimes, crimes against humanity and genocide are of concern to all States, and to the international community as a whole.

...But our activities in connection with the ICC do not end there. The ICC is designed to be a last, rather than a first resort for justice. In other words, its limited mandate is to complement rather than replace national criminal jurisdictions. This relationship between the ICC and national jurisdiction can only be effectively achieved if States ensure that their domestic legal systems repress the crimes within the jurisdiction of the Court and then enforce those prohibitions. “

-- *International Committee of the Red Cross*