STATEMENT

by

H.E. Ambassador Eden Charles
Chargé d’Affaires a.i.
Permanent Mission of the Republic of
Trinidad and Tobago
on behalf of the
Caribbean Community (CARICOM)
on Item 73 :
"Report of the International Criminal Court"
in the Plenary of the 69th Session
of the United Nations General Assembly

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United Nations, New York
October 30, 2014
Mr. President

I have the honour to make this intervention on behalf of the 14 Member States of the Caribbean Community (CARICOM).

CARICOM continues to play a pivotal role in upholding the purposes and principles upon which the International Criminal Court (ICC) was founded.

On April 9, 2014 CARICOM and the other members of the international community mourned the passing of the former prime minister and president of Trinidad and Tobago, the late Arthur Napoleon Raymond Robinson, globally recognized for his pioneering work which resulted in the adoption of the Rome Statute in 1998, which established the ICC.

As a region, we strongly support the mandate of the ICC and its primary objective which “is to help put an end to impunity for perpetrators of the most serious crimes of concern to the international community as a whole, as well as to contribute to the prevention of such crimes.”

Despite its detractors and many challenges, it cannot be ignored that the ICC continues to be a beacon of hope to all victims of crimes within it jurisdiction, who are seeking justice. These include thousands of women and children who are the ones most affected by the actions of criminals who show blatant disregard for the sanctity of humanity by violating international humanitarian law and international human rights law.

We welcome the latest ratification of the Rome Statute by Cote d’Voire, as symbolic of the increasing universality of the jurisdiction of the ICC. We acknowledge that in a relatively short time, one hundred and twenty-two (122) States have become parties to the Rome Statute.

Mr. President

CARICOM recognizes the renewed and strengthened relations between the ICC and the United Nations. We are appreciative of the Report of the Secretary-General on the information relevant to the implementation of Article 3 of the Relationship Agreement between the United Nations and the ICC.

As a result of the symbiotic relationship which exists between the UN and the ICC, CARICOM applauds the joint collaboration of the Court and the UN. At the same time, we wish to reiterate our call for the United Nations to meet the costs associated with the referrals by the Security Council of situations to the ICC. This would be consistent with the relevant provisions of the Rome Statute and the Relationship Agreement between the Court and the United Nations.
Mr. President

Over the past two years the we have witnessed the tremendous strides made by the Prosecutor of the ICC, Mrs. Fatou Bensouda to discharge her mandate. In this regard, we welcome the launch by the Prosecutor of the ICC's policy on "sexual and gender-based violence", the first ever such document by an international court or tribunal.

CARICOM is also very pleased, Mr. President that the Court continues to uphold democratic traditions as far as the election of judges is concerned. In this regard, we look forward to the elections of judges scheduled for the next Assembly of States Parties in November and we urge all States Parties to vote only for those candidates who meets the criteria for election as judges under Article 36 of the Rome Statute. This in our view, would enable the court to enhance its credibility.

Mr. President

During the last year, we have observed the continued work of the Court to bring to justice several accused persons in numerous situations referred to the institution. Most importantly, CARICOM welcomes the verdict rendered on March 7, 2014, in which the ICC found Mr. Germain Katanga guilty of five counts, including war crimes and crimes against humanity, and his subsequent sentencing on May 23 2014, to 12 years imprisonment when both the defence and the Prosecutor withdrew their appeals against the judgement.

We are satisfied that at each stage of the proceedings, the ICC adhered to all of the tenets associated with the conduct of an impartial trial. In addition to the sentencing of Mr. Katanga, CARICOM also pays tribute to the Court for its landmark decision on reparations for victims. This decision was comprehensive in scope as it also establishes principles relating to reparations.

It is our hope that in the near future the ICC would be in a position to commence the trial of other individuals who are accused of committing crimes under Article 5 of the Rome Statute. In order to achieve this objective, however, the relevant entities must honour their legally binding obligations to execute the outstanding arrest warrants issued by the Court and arrest and surrender to the ICC those individuals who continue to evade justice. We wish to remind those which have failed to honour their obligations that they are contributing to a culture of impunity which does not only prevent the dispensing of justice, but also serve to undermine the rule of law.
Mr. President

Cooperation with the Court is at the centre of the Rome Statute and it does not only fall to States Parties, but also to all Member States of the United Nations, especially as it relates to referrals by the Security Council. Those who argue that the ICC is an obstacle to achieving lasting peace and security, in some quarters, must be reminded that, consistent with the doctrine of complementarity enshrined in the Rome Statute, the jurisdiction of the ICC is only invoked when States are unable or unwilling to prosecute those individuals accused of perpetrating the most severe crimes of concern to the international community. In other words, no individual or State should fear the ICC because it is a court of last resort. CARICOM is satisfied that in its sixteen years of operation the ICC has stoutly adhered to this cardinal principle.

CARICOM also welcomes the growing number of ratifications of the Kampala Amendments to the Rome Statute, including that on the crime of aggression. To this end, we further call on all States Parties to the Rome Statute to ratify these amendments so that the Assembly of States Parties could take action in 2017 to enable their entry into force.

Mr. President

With the imminent cessation of operations of the Ad-Hoc Criminal Tribunals, the global community must fully embrace the ICC as the only permanent international tribunal dedicated to the prosecution of all individuals without distinction as to rank or status who commit international crimes, and which have the potential to undermine the political and economic order of States.

We also echo the words of the Prosecutor of the ICC who declared at an open debate of the United Nations Security Council that justice plays a "crucial role" in maintaining international peace and security.

CARICOM remains committed to the progressive development of the relationship between the United Nations and the ICC as part of our overall support for the maintenance of an international regime based on respect for the inalienable human rights of individuals, respect for the territorial integrity of States and the need to bring to justice those who commit serious breaches of the provisions of the Rome Statute which, in our view, represent customary international law.

I thank you.