STATEMENT

On behalf of the Nordic Countries

by

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in the United Nations General Assembly

On the Report of the ICC

Agenda item 73

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- CHECK AGAINST DELIVERY -

Mr/Madam President,

I have the honour to speak on behalf of the five Nordic countries: Denmark, Finland, Iceland, Norway and my own country, Sweden.

Mr/Madam President,

Let me start by thanking the International Criminal Court for its annual report to the United Nations. I would also like to thank Judge Song, President of the ICC, personally for giving us a thorough presentation of the main issues in the report.

The Nordic countries would like to express their sincere appreciation to the Court for its significant contribution to the fight against impunity worldwide. From the report and President Song’s introduction, it is evident that the caseload of the Court has continued to increase. The activities of the Court have a worldwide reach and during the reporting period the Office of the Prosecutor opened preliminary examinations in the Central African Republic, Iraq and Ukraine and concluded its preliminary examination in the Republic of Korea.

During the reporting period the Court rendered its first final judgment, in the Germain Katanga case. Six cases are at the trial preparation or trial stage, with 8 040 victims represented. The ICC recently finalised an arrangement with Libya for the entry and presence of ICC staff and a similar arrangement is under way with Mali.

These are important achievements. The Court has become the most important international actor in efforts to fight impunity and in the development of international criminal law.

Mr/Madam President,

Victims’ participation and right to reparations are unique and essential features of the Rome Statute. Victims’ issues are key for the Nordic countries, especially regarding those who have been subjected to sexual and gender-based crimes, as well as other vulnerable persons. We commend the important work of the ICC Trust Fund for Victims, which has supported more than 110 000 victims of crimes under the ICC’s jurisdiction. The Nordic countries have contributed a total of 5.8 million euros to the
Fund as of 2013, with further substantial contributions during this year. We continue to encourage States and other actors to contribute to the Trust Fund, which will enable victims to access their rights to reparation. The Nordic countries are in this regard convinced that the full realisation of the rights of victims is an important aspect of the continuing success and relevance of the Court.

Mr/Madam President,

The principle of complementarity enshrined in the Rome Statute means that the ICC is to be complementary to national criminal jurisdictions. Ideally, it should have no cases. We must, however, acknowledge that many States lack the resources and capacity to conduct criminal proceedings for such complex and large-scale crimes as genocide, crimes against humanity and war crimes. The Nordic countries emphasise the value of capacity building among States Parties, and stress that States Parties may also benefit from the knowledge and expertise of the Court. One concrete example of our complementarity engagement is also the Justice Rapid Response facility, which is a supporting mechanism for providing states and organizations with rapidly deployable criminal justice professionals trained for international investigations.

Mr/Madam President,

The Nordic countries would like to recall that the success of the Court is contingent upon its highly qualified and competent judges and staff. The forthcoming election of judges at the Assembly of States Parties in December is an important opportunity for States Parties to ensure that the Court is equipped with the most qualified, competent and experienced judges. The Court needs judges with court room experience and with the right skills for managing complex criminal cases, as well as expertise in international and national criminal law, international humanitarian law and human rights law.

Another important topic for the upcoming Assembly of States Parties will be the annual budget debate. Although the Court and the Office of the Prosecutor, OTP, manages its workload in a commendable manner within the framework of its current budget, it is evident that the increased number of situations and cases necessitates an increase in the resources available to them. As States Parties, it is our common responsibility to ensure that the Court and the OTP has the sufficient staff and other resources to fulfil their mandate. Equally, the resources of the Trust Fund for Victims provided for in the Court’s budget must be sufficient to fulfil its important mandate.

Despite the success of the ICC, it is a cause for concern that the number of outstanding arrest warrants remains high. Progress has to be made. States’ cooperation with the Court, including the Office of the
Prosecutor, must improve. States Parties have a legal obligation under the Rome Statute to cooperate fully with the Court. Therefore, we urge all States Parties to strengthen their efforts to execute the orders of the Court, including to avoid non-essential contacts and abstain from inviting and receiving suspects that are under an arrest warrant issued by the ICC. We would also like draw particular attention to the continued need for new agreements between the Court and States Parties on witness relocation and protection.

All States must also fully comply with their obligations under the Charter of the United Nations and Security Council Resolution 1593 (2005) concerning the situation in Darfur. The Government of the Sudan and all other parties to the conflict in Darfur must cooperate fully with the Court and the Prosecutor.

The Nordic countries stress the need for coordinated and coherent implementation of the policies of international organisations and States on contact with persons who are the subject of arrest warrants or summons issued by the ICC. By mainstreaming our ICC policy into regular bilateral diplomacy, we enhance the reach and relevance of the Court.

Mr/Madam President,

Being independent does not mean that the Court stands alone. We are heartened by the detailed description in the report of multifold communication and interaction between the United Nations and the ICC. However, enhanced support for the Court from the Security Council is required in cases of non-cooperation with the ICC as well as strengthened follow-up of cases referred to it from the Security Council. While respecting the independence and integrity of the Court, the Security Council must play its part in ensuring accountability when gross violations of international humanitarian law and human rights law have occurred in any part of the world, such as in Syria.

The quest for universal adherence to and implementation of the Rome Statute continues and should be intensified. We also stress the need for all States Parties, as well as non-States Parties that have not yet done so to ratify and fully observe the Agreement on the Privileges and Immunities of the ICC as a matter of priority.

It should be recognised that the activities of the ICC reach all parts of the world with the Office of the Prosecutor receiving communications and conducting preliminary examinations relating to a range of countries in different parts of the world. In this regard, the Nordic countries welcome the Court’s intention to increase its presence in the field. The ICC must be an institution that is both visible and accessible to the people on the ground. It is also important to make the Court better known in all parts
of the world, but in particular this is true in the situation countries. For example public debates on the ICC have proven to be a useful way of disseminating information and exchanging views. The Court must also have sufficient resources for effective outreach.

Victims of war crimes, crimes against humanity and genocide, wherever they are found, deserve justice. The International Criminal Court was created to take up the cases that States were not able or willing to take up. But in today’s reality, an effective and independent Court is dependent upon the integrity of the Rome Statute and effective and comprehensive cooperation by States. Only then is it possible for the international community and the Court to pursue the aim of ending impunity for past crimes as well as preventing such crimes in the future.

Both the Court and the States Parties are part of the Rome Statute system of international criminal justice, built upon the principles of complementarity, cooperation, and shared responsibility to hold perpetrators of mass crimes accountable. The independence and strength of the Office of the Prosecutor, OTP, are vital in this respect. We support the OTP’s efforts to use preliminary examinations as a tool for complementarity, as such examinations provide an opportunity for dialogue with national authorities and can encourage national examinations as well as identify possibilities to support national authorities in their work. The work with regard to Guinea and Colombia are among such positive examples.

The Nordic countries welcome the Chief Prosecutor’s ambitions to further enhance the efficiency of the Court. We especially welcome the Court’s engagement in important areas such as sexual and gender-based crimes, prosecuting crimes against children and using new forms of evidence in addition to witnesses.

Mr/Madam President,

Let me conclude by renewing our pledge that the Nordic countries will remain principal supporters of the ICC. We are committed to continue working for the Court’s effectiveness, professionalism, independence and integrity.

Thank you!