General Assembly, 69th session, 33rd plenary meeting

Report of the International Criminal Court (item 73)

Statement by Romania

H.E. Ambassador Simona Miculescu
Permanent Representative of Romania to the UN

- 31 OCTOBER 2014 -
Mr. President,

My country would like, first, to use this occasion to pay tribute to the remarkable work done by President Song during his Presidency of the International Criminal Court. We are all indebted to him for his resilience, wisdom and professionalism which have substantially strengthened the Court. In the challenging times we are facing as international community, we need strong actors to uphold the rule of law at international level. Thank you President Song!

I would also like to commend the Prosecutor of the Court, Mrs. Fatou Bensouda, for her outstanding endeavors in increasingly complicated contexts. I personally assure her of Romania’s continued support for her complex activity.

Mr President,

We thank the Court for the tenth annual report on its activities, that reveals its increasing workload.

We note that the report acknowledges the fact that the path to the *universality of the Rome Statute* of the ICC is a lengthy and difficult process, filled with various obstacles, which require constant, concerted and coordinated efforts in order to overcome them. Since its entry into force, on the 1st of July 2002, the number of states parties has been on the increase. We continue to encourage all States to become parties to the Rome Statute, as it is our belief that strengthening the ICC by achieving its universality is the most powerful preventive approach.
The fundamental challenge in the activity of the ICC remains the necessity to ensure full and prompt cooperation with the Court and, in particular, the need to react to instances of non-cooperation of States. Non-cooperation with the ICC in respect of the execution of arrest warrants represents a violation of international obligations and undermines ICC’s capacity to deliver justice.

In order to carry out its mandate in an independent and impartial manner, the ICC relies on our support. The report of the Court vividly illustrates the essential part that States play, in so many respects, in supporting the Court to fulfill its mandate. The adoption of adequate national legislation remains critical for an effective and genuine fight against impunity. States carry the main responsibility to investigate, prosecute, and bring to justice perpetrators of the most serious crimes that concern the international community.

The relationship between the United Nations and the ICC is paramount for both actors. We express our support for establishing a mechanism that would provide an effective follow-up to address issues arising from referrals to the ICC made by the Security Council, in accordance with the Rome Statute. We believe that there is a need for a constant and meaningful exchange of views among Council members to address situations referred, and the consequences for non-compliance with cooperation obligations under the referrals. Based on the periodic reporting from the Office of the Prosecutor, adequate follow-up measures could be examined. Such a mechanism would be a step in the right direction for
developing a mature and balanced relationship, enabling both institutions to exercise their mandates in an efficient and complementary manner.

Romania remains an active supporter of the International Criminal Court and continues to promote its activity, which is crucial for the international peace and justice. One of its most recent initiatives carried out to this end was the event celebrating the day of international criminal justice, organized on the 21st of July 2014 in Bucharest by the Romanian Ministry of Foreign Affairs, together with the National Commission for International Humanitarian Law and the Romanian Red Cross. We are grateful that Prosecutor Bensouda found the time to deliver a keynote intervention on the achievement and challenges of the Court.

Mr President,

As early as 1926, the Romanian diplomat and legal expert, Vespasian Pella warned that setting out a new system of international criminal justice could not be established in one stroke “from a magic wand”. Such system is supposed to take shape progressively, and while we have gone a long way in this respect, much more remains to be done.

Therefore, Mr President, I would like to conclude by underlining once more the need of a strong, wider and continuous public and diplomatic support of States and of the international community for the ICC, in order to fulfill its mandate.

Thank you, Mr. President.