Statement by Mr Borut Mahnič, Director-General, Ministry of Foreign Affairs of the Republic of Slovenia on the Annual Report of the International Criminal Court

69th Session of the General Assembly
Sixth Committee

Mr Chairperson, Excellencies, distinguished delegates,

My delegation welcomes the opportunity to discuss the annual Report of the International Criminal Court to the United Nations General Assembly. We see this occasion as an important chance for the ICC to inform the UN about its activities in the fight against impunity for most heinous crimes of international concern as well as of the activities aimed at strengthening its functioning.

This year's report in many ways confirms that the International Criminal Court is becoming a more and more busy judicial institution with the Court's workload having continued to increase throughout the last year, including with the opening of new preliminary investigations. While this confirms the Court has developed into a strong institution, it also underscores the importance of, first, the efficient implementation of the principle of complementarity, and second, cooperation between the ICC and other international actors.

As the report stresses, "The Rome Statute was never intended to replace national courts". The primary responsibility to investigate and prosecute mass atrocity crimes rests with States. The Court was never intended to nor is it capable to deal with all occurrences of atrocity crimes. Improving domestic capacity and inter-State cooperation is therefore paramount importance. We commend the Court for its active engagement aimed at reinforcing the ability of national authorities to prosecute Rome Statute crimes. Although such efforts can only be praised, the ICC achievements in this respect are naturally limited. States, international organisations and other international actors, however, can and should do more in order to strengthen capacities and increase cooperation with the ICC aimed at prevention and prosecution of mass atrocity crimes.

We call upon States, regional and international organisations as well as civil society to invest greater efforts in strengthening the efficiency of complementarity. The United Nations and its agencies are particularly well placed to contribute to the capacity building for the prosecution of Rome Statute crimes. We thus welcome the growing attention that the UN has recently given to these important issues and call upon the UN to continue these important efforts.

In our endeavours to play a share in improving the implementation of the principle of complementarity Argentina, Belgium, the Netherlands, Senegal and Slovenia work on the initiative for the adoption of a new international treaty on mutual legal assistance and
extradition between States to ensure effective domestic investigation and prosecution of mass atrocity crimes. I am pleased that the initiative has already gathered support from States of all geographical representations. I would like to take this opportunity to invite all interested States to join. Allow me also to bring to your attention that the above mentioned five leading States will organize a side event on the initiative to take place in the margins of this year’s Assembly of States Parties to the Rome Statute.

Let me now turn to the second important issue addressed in this year’s report, namely cooperation with the ICC. The ICC’s mandate is extremely challenging and the complexities of its work require close and effective cooperation from States, international and regional actors as well as the civil society.

The UN is a natural and important partner of the ICC in the fight against impunity and prevention of atrocity crimes; both institutions being joined by common values, goals and challenges. We see great significance in the support the ICC receives from the UN. The UN’s presence in the field, its access to critical information as well as its powers and the ability to exert political pressure make the UN a particularly important partner. In this context, my delegation would like to welcome the adoption of the UN guidelines on non-essential contacts with persons subject to an ICC arrest warrant and call for their continued implementation.

Slovenia fully supports the ongoing discussions aimed at strengthening the cooperation between the UN and the ICC. The support the Court receives from the UN has the potential to importantly contribute to the ICC’s deliverance. It is precisely for this reason that more efforts should be made to enhance dialogue and cooperation between the two institutions. In this regard, allow me to draw your attention to The Report of the Court on the status of ongoing cooperation between the International Criminal Court and the United Nations, including in the field (ICC-ASP/12/42), which offers valuable proposals on how the necessary improvements could be introduced. This document deserves further study and attention by the UN system and its membership.

In this context, priority attention should be given to strengthening and expanding the relationship between the ICC and the UN Security Council, for example, through the use of the Security Council sanctions regime against individuals subject to arrest warrants issued by the Court, by granting the necessary mandates to peacekeeping missions, the presence of which in the field can importantly assist the Court in the discharge of its activities, as well as by Security Council’s reaction to cases of non-cooperation with the ICC. Slovenia would also like to restate its support for the initiative for refraining the use of veto in cases of atrocity crimes.

The efficiency of cooperation between the two institutions could also be improved through greater coordination. The Office of the Legal Affairs has played a crucial role of the coordinating body on ICC related matters concerning the relationship with the Court. We would encourage all UN actors to systematize their cooperation with the Office of the Legal Affairs. Moreover, States too can contribute to improving coordination within the UN by promoting the mainstreaming of the Rome Statute issues.
Mr Chairperson,

Slovenia is strongly committed to the rule of law and the prevention of impunity for atrocity crimes. The ICC plays a central role in the endeavours of the international community that are pursuing this goal and it deserves our full support and cooperation.

In the same manner as the Court needs political commitment from States it requires committed leadership and resolution from within. Mr President Song, allow me to convey my country's deep appreciation for your unyielding dedication to the rule of law and your able leadership of the Court throughout your mandate. We attach great significance to mutual cooperation and reinforcement of our endeavors aimed at strengthening international criminal justice system. Slovenia remains particularly appreciative for your participation at the seminar on the ratification and implementation of the Kampala amendments, which took place in Slovenia in May 2014. Your personal support to States' efforts has been instrumental and we hope that such practice will continue also in the future as you embark upon new challenges.

Allow me to conclude, Mr Chairperson, by expressing Slovenia's full commitment to the Court and call upon all States that are not members of the Court to join the ICC and the fight against impunity. We further wish to take this opportunity to invite all States Parties that have not yet done so to ratify the Kampala amendments.

I thank you for your attention.