69th Session of the United Nations General Assembly

Statement by the Algerian Delegation,

Before the General Assembly

On agenda item 73

« Report of the International Criminal Court »

New York – October 30, 2014

Please check against delivery
Mr. President,

First of all, allow me to join the previous speakers in thanking the President of the International Criminal Court, the Honorable Judge Sang-Hyun Song, for the report he presented on the activities of the Court during the period from August 1\textsuperscript{st} 2013 to July 31\textsuperscript{st} 2014, in accordance with article 6 of the Relationship Agreement between the United Nations and the ICC.

I would like also to thank the Secretary General for his two reports, A/69/324, on the "Expenses incurred and reimbursements received by the United Nations in connection with assistance provided to the International Criminal Court" and, A/69/372, on "Information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court".

My delegation welcomes this opportunity to contribute in the discussion on this crucial agenda item of the General Assembly and to echo the concerns raised by the African Union, African States and many other countries all over the world with regard the need for the United Nations Security Council, the ICC and the Assembly of States Parties to engage constructively with the requests submitted both by the African Union and African States.

Mr. President,

My country would like to reiterate once again its unflinching commitment to promote human rights and democracy, uphold the rule of law and good governance, fight impunity and grant access to justice.

In this regard, we do understand, on the one hand, that there is a need for the International Community to commit in order to fight impunity and to ensure the prosecution of individuals suspected having committed serious crimes, such as, the crime of genocide, war crimes and crimes against humanity. On the other hand, we have to stress on the primary role of sovereign States in pursuing this objectives.
I may recall, in this respect, that this primacy derives from many well-established principles under the international customary law, international law and national laws, particularly, the principle of state sovereignty, the territorial jurisdiction, the principle of nationality, the primacy of actions by states regarding criminal prosecutions, the protective principle and most of all the immunity of Heads of States and Governments during the exercise of their functions.

Mr. President,

The primacy of national jurisdictions, granted by the Rome Statute, itself, under the principle of complementarity, have unduly not been applied for some cases that were referred to the Court by the Security Council or the Office of the Prosecutor.

In this regard, we cannot be astonished to see many States, even those that are members of this Statute, questioning the impartiality of this institution and the criteria that have been used in taking the decision to refer or not to the Court and to hear them expressing fears and doubts about political manipulation and selectivity.

It is of the utmost importance to recall that the politicization, selectivity and misuse of indictments and abuse in targeting the only African States and African leaders by the International Criminal Court, were the main reason for convening the Extraordinary Summit of the African Union, in Addis-Ababa, on October 12, 2013.

As noted by African Heads of States and Government during that Summit, the activities of the International Criminal Court throughout its eleven years of existence, focused exclusively on Africa, while unacceptable situations in other parts of the world have been ignored. The issue of international justice must include the need to respect the sovereignty and national independence of all States, including the African countries.
In this regard, based on national law and international customary law that grant for sitting Heads of State and Government and other Senior State Officials immunity during their tenure, the African Summit decided "That to safeguard the constitutional order, stability and, integrity of Member States, no charges shall be commenced or continued before any International Court or Tribunal against any serving AU Head of State or Government or anybody acting or entitled to act in such capacity during their term of office".

Mr. President,

The negative response to the legally sound proposals, supported or initiated by the African Union, to defer the proceedings initiated against two African serving Presidents and Deputy President in accordance with Article 16 of the Rome Statute of ICC on deferral of cases, is a matter of a deep disappointment to the whole African continent.

A real opportunity was, therefore, wasted to defuse polarization; reinforce the conviction on the impartiality of international justice; preserve and safeguard peace, security and stability of our Continent, as well as, its dignity, sovereignty and integrity.

I thank you.