Sixty-Ninth Session of the General Assembly
Report of the International Criminal Court

Agenda item 74

STATEMENT

BY

MR. JANUSZ STAŃCZYK
LEGAL ADVISER
DIRECTOR OF THE LEGAL AND TREATY DEPARTMENT
MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF POLAND

OCTOBER 30, 2014
1. Poland fully aligns itself with the statement made by the European Union on this agenda item. The Polish delegation has asked for the floor to highlight some of the points it deems especially important.

2. The universality of the Rome Statute continues to be one of the main goals of the Rome justice system and yet, in the present reporting period, no new states have ratified the treaty. This can be viewed from two angles: one could say it is an unfortunate and disappointing occurrence as there are over 70 states which have not ratified the Statute. Therefore, one could take a moment to reflect on its universality. Poland fully supports the EU stance that there is a pressing need for the promotion of the Rome Statute and investment in ratification campaigns. However and it is the other angle, the ICC has been, and in the future will likely continue, operating in an environment where not every state is a party. But this should not incapacitate the ICC and its work since every state – member and non-member alike – has a positive role to play in fulfilling the ICC mission. Only with the support of all nations – in a show of global unity – will the ICC become a truly effective judicial mechanism. But the onus is, of course, on the ICC States Parties. The ICC relies on co-operation between States Parties; the refusal to transfer wanted criminals is a direct obstruction of justice, and must be duly addressed. Poland fully agrees with the EU that accountability for the most serious crimes should be ensured, regardless of the perpetrator’s status. By allowing individuals, no matter how influential, to escape liability, States Parties are flouting the very laws put in place to ensure the effectiveness of the Court. Arrest warrants must be honored in order to deter future genocide, war crimes, and crimes against humanity. This applies to all States Parties as well as non-States Parties when the UN Security Council has referred a situation to the Court in accordance with Chapter VII of the UN Charter.

3. Poland strongly believes that when the Security Council, acting under Chapter VII of the UN Charter, decides to refer a situation to the International Criminal Court, it must also enforce cooperation on the part of the states concerned should they fail to cooperate in fulfilling the Court’s mandate. To that end, we support the establishment of a mechanism to implement the Council’s referrals to the ICC by entrusting the Informal Working Group of the Security Council on International
Tribunals with this task. We believe that the aforementioned arrangement would have a positive impact on international peace and security.

4. We should find proper ways and means to advocate for our African partners’ co-operation with the Court, in order to eradicate skepticism towards the validity of the Court’s intentions. That is why Poland has always strongly supported the EU’s efforts to promote a better understanding of the Court’s mandate.

5. There are some appalling crisis situations taking place around the world at present. The civil war in Syria has destroyed hundreds of thousands of lives and displaced more than half its population. Neighboring nations are struggling to accommodate some 2.5 million refugees fleeing death and violence – a large scale humanitarian crisis. Poland has been supportive of initiatives aiming at bringing justice to the region with an active role of the ICC.

6. The situation in Ukraine also demands a response from States Parties in condemning acts of aggression, war crimes and the resulting humanitarian crisis. An idle stance can tarnish the ICC’s reputation, propagating an image of impotence and ineffectiveness. The Republic of Poland particularly appreciates Ukraine’s acceptance of the Court’s jurisdiction in relation to events of the so called Euromaidan. Poland would like to welcome Ukraine as a State Party to the Rome Statute as soon as possible, in order to reassure the rendition of justice in both domestic and international contexts.

7. The pursuit of international justice and the protection of human rights is synonymous with the Republic of Poland’s belief that only through global cooperation can the world put an end to impunity. The International Criminal Court is central to the achievement of justice and accountability in the battle against those responsible for the most serious crimes, along with the states that harbor or otherwise endorse such actions. (The nomination of Polish candidate for an ICC judge is another evidence of Poland’s commitment and active involvement in the International Criminal Court and its objectives.) Poland has always, in various ways, supported the International Criminal Court’s mission. As was mentioned in the EU’s statement, only 20 countries have contributed to the Trust Fund for Victims; Poland is proud to be one of them.
Most recently Poland has ratified the Kampala Amendments to the Rome Statute. We invite others to follow suit.

8. The Informal Ministerial Network on matters related to the International Criminal Court, is a perfect example of the political support States Parties can provide the Court in order to help reassert its position in the international arena. This is especially important given the current adverse political climate and distrust towards the ICC in certain regions of the world. Poland takes pride in being a member of the Informal Ministerial Network, which is a valuable extension to the mission of the ICC – providing a venue for a concurrent approach towards issues at the forefront of current policy. It is a symbol of progress and initiative – a display of the strength of unity among States Parties in their resolve to create a lasting and positive impact on human rights. Now, as much as ever, there is a need for States Parties to encourage political support in regions holding reservations towards a global system of accountability.

9. We must encourage States Parties to work together, and think not of national endeavors first, but of the collective goals and objectives of the ICC to create a lasting peace for the benefit of the entire world. The issue of human rights is non-partisan, and will always transcend individual political ambitions of nations.