

Statement van de Europese Unie

Op 7 september 2004 heeft Nederland, als voorzitter van de Europese Unie, ter gelegenheid van de Vergadering van Verdragspartijen van het Internationaal Strafhof de onderstaande statement namens de EU uitgesproken

Mr. President,

It is a privilege for me to be given the opportunity to speak on behalf of the EU at the third meeting of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Mr. President,

First of all, I would like to thank you Mr. President, the Bureau of the ASP, the Secretariat of the ASP, the ICC, the Board of the Victim's Trust Fund and last but not least the Committee on Budget and Finance for all the preparatory work for this third session of the ASP. Also, again the EU is very impressed by the dedication and strong support of the CICC and its members for the ICC as a whole as well as the common efforts to strengthen the Rome statute system. Thank you wholeheartedly for this.

Mr. President,

On 21 June 2004 and 28 July 2004 the Prosecutor of the International Criminal Court announced that he has determined that there is a rational basis to commence an investigation into crimes allegedly committed, *respectively*, in the territory of the Democratic Republic of Congo and in Uganda since the entry into force of the Rome Statute on 1 July 2002. These notifications by the Prosecutor clearly indicate that the ICC is fully operational and that the ICC has just begun facing its actual challenge: the fight against impunity.

The Court is now entering a critical phase: the Court will have to prove to be an independent and effective institution; it will also have to convince those who doubt its autonomy and impartiality. The ICC will of course not stand alone in carrying out its missions. The states parties including the member states of the European Union will unconditionally continue their support to the Court, and engage in active co-operation if and when required. All State Parties must work to attain our common goal of universal jurisdiction of the Court by encouraging ratification of the Rome Statute. And implementation is essential if the Court is to operate effectively. The EU, in line with its Action Plan and Common Strategy stands ready to help those states which might need some assistance in this respect. The EU has always defended the integrity of the Rome Statute and will continue to do so.

Mr. President,

The ICC's support of victim's rights is a key element in the Statute. It is crucial that alongside "criminal justice" there is also "victim's justice". Justice for these victims who so often walk away from the system disillusioned, feeling that they have been let down and that processes rather than the truth have been paramount. The EU is committed to ensuring that criminal justice also includes victims and their rights.

Mr. President,

We have gathered here in The Hague to take important decisions related to the work of the Court. Quite some time will be devoted to the draft budget as proposed by the ICC. Obviously, the Court needs adequate financial means in order to be able to fulfil its important tasks, including a reliable financial mechanism which allows addressing new situations and unforeseen circumstances. On the budget, the EU's interventions during the coming sessions will be guided by two areas of concern:

Firstly, the EU strongly advocates that the ICC budget should be based on a medium term strategy which sets out clearly how the Court intends to fulfil its main task: the fight against impunity.

Secondly, on the organisation of the Court the EU strongly recommends that, for reasons of coherence, consistency and cost-effectiveness, any unnecessary duplication of structures is avoided. We therefore recommend, *inter alia*, that the supportive functions of the Court are concentrated as much as possible and shared by the different pillars.

Mr. President,

On the ASP itself, we need to bear in mind our obligations under the Statute to the Court. Now that the ICC has entered into its operational phase, the EU recommends that the ASP engages itself in strengthening its own structure, in order to allow for an enhanced and effective dialogue with, and in support of, the ICC, in areas of competence to the ASP. For example, strategic policy towards combating impunity; victim's reparations; host state relations and permanent premises, and administrative issues. Options for strengthening the structure of the ASP could be explored through *inter alia* discussions among member states guided by the President of the ASP.

Finally, on the duration of the ASP. The ASP may need to consider an extension of future ASP meetings in order to carry out its work and obligations effectively.

The EU looks forward to collaborate in an open and friendly dialogue with delegations from all other regions and wishes us all fruitful deliberations in the interest of the ICC and our common efforts to fight successfully impunity of international crimes.

Thank you for your attention

The Candidate Countries Bulgaria, Romania and Croatia, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro and the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.*

** Croatia continues to be part of the Stabilisation and Association Process*