

Statement by

H.E. Ambassador Carsten Staur,  
Permanent Representative of Denmark to the United Nations



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**10th Session of the Assembly of States Parties to the  
Rome Statute of the International Criminal Court**

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Madam President, your Excellencies - dear colleagues and representatives of civil society.

Denmark associates herself with the statement delivered earlier today by Poland on behalf of the European Union. As Denmark has the honour of taking up the rotating EU presidency in the first semester of 2012 allow me to take this opportunity to assure you that we look forward to working with all of you in that capacity. We will do our utmost to uphold and strengthen the EUs role as a staunch supporter of the ICC.

At the outset of my remarks, let me also congratulate you, Madam President, on your election as President of the Assembly. We are confident that your strong leadership will ensure that this Assembly works diligently towards furthering the cause of the ICC.

I also want to congratulate the other newly elected principals of the ICC - the judges and the new Prosecutor, Ms. Bensouda, whose candidature Denmark is proud to have co-sponsored. Denmark looks forward to continuing its excellent relationship with the Court and to working with these new officials.

The election of new officials also means the ending of term for others. I would be remiss not to express Denmark's gratitude to all those who are leaving the Court and who have served with dedication and commitment. I want to convey my special gratitude to the previous President of the ASP, Ambassador Christian Wenaweser, and the Prosecutor, Mr. Luis Moreno Ocampo.

Ambassador Wenaweser, you have in many ways shaped the work of this body, the Assembly of States Parties. You have broken new ground in engaging us, the States Parties, on issues of concern to our Court and you have provided exemplary leadership, both at the annual Assembly of States Parties, at the Review Conference, but also in between our meetings. We thank you for your guidance and your extraordinary service to the Court. And we count on your continued engagement in the fight against impunity.

Mr. Prosecutor, you will, of course, serve for another half year as head of the OTP. As this is your last Assembly of States Parties in your current role, allow me, however, to make a few remarks expressing our strong appreciation of your work. There may have been birth pangs for all organs of this Court. But looking back at your tenure it is worth noting that in this period more than 40 additional states have joined the Court, a number of states have referred situations to the Court - thereby showing strong confidence in the institution - and the UN Security Council has already twice called upon the Court to investigate grave crimes. Add to this that the Court has managed to consolidate its role as an independent and essential player in the international fight against impunity and I do believe that you personally and we collectively have grounds for satisfaction. Mr. Prosecutor, Denmark wants to thank you for your contribution to this success and your tireless work for the Court. We look forward to continuing our cooperation for the remainder of your term.

Madam President, at this Assembly of States Parties, the Court counts 120 member states, thereby equalling the number of States who back in 1998 at the Rome Conference voted for the adoption of the Statute. We welcome the new members to the Assembly. We encourage the new State Parties to participate actively in the Assembly's work and to support the Court both in words and deeds.

Indeed, Madam President, the Court is in need of such strong support from all States Parties. It is worrying to witness that this year, yet again, some states have failed to live up to their obligations under the Rome Statute to cooperate with the Court. We recall in this regard the recent decisions of the Pre-Trial Chamber in the Darfur situation. All States Parties must cooperate with the Court in the execution of arrest warrants.

The imperative of cooperation was eloquently set out by His Excellency, the President of Botswana, Mr. Khama, in his opening address to this meeting. We wish to thank him for addressing the issues so clearly and directly. His words echoed the commitment we all gave last year, at the Kampala Review Conference, where we reaffirmed our resolve:

"to continue and strengthen our efforts to ensure full cooperation with the Court in accordance with the Statute, in particular in the areas of implementing legislation, enforcement of Court decisions and the execution of arrest warrants."

We need to fulfil the promises of Kampala.

Madam President, one of the concrete outcomes from the stocktaking at the Review Conference in Kampala was our renewed focus on complementarity; an issue of particular interest to Denmark. Together with South Africa we have served as facilitators for complementarity and the report before the Assembly attests to the significant progress which has been made.

The issue of complementarity has over recent years garnered immense interest, both within and outside the ASP. Civil society, international development organisations, and bilateral donor agencies have reinforced an emerging consensus around the need to realise the Rome Statute system by supporting rule of law and transitional justice programs. The Court itself is a court of last resort, and a central motive underlying the Rome Statute system is to remind national jurisdictions of their primary responsibility to fight impunity. This makes perfect sense from the perspective of the limited resources and capacity of the ICC. It is also an expression of the fundamental value of ensuring the highest possible degree of national ownership to fighting impunity and of delivering justice close to the victims.

In this context, I would like to underscore the excellent cooperation we - together with our South African co-facilitators - have had with the International Centre for Transitional Justice and UNDP around the Greentree Process. On Friday the Danish Minister for Development Cooperation and his South African colleague will co-chair a side-event reporting back on a recent 2-day meeting at the Greentree Estate outside New York. Here more than 70 experts met to advance the debate on complementarity and more specifically the collaboration between the ICC community and rule of law actors. I invite you cordially to attend the lunch meeting on Friday.

We look forward to continuing and deepening our conversation on complementarity both within the framework of this Assembly but also in other fora, with state parties as well as non-state parties, international organisations and civil society. Building the Rome system from the bottom up is a task which requires a multiplicity of actors taking initiatives, working together and sharing best practices on the way forward. Let me in this regard

including those by the European Commission, the Open Society Justice Initiative and the Swedish Folke Bernadotte Academy. Allow me also to draw the attention to the recently established complementarity mechanism in the Secretariat aimed at sharing and facilitating information on capacity building and rule of law.

We have also been very heartened by the strong support we have received by the outgoing president Wenaweser and I noted with great pleasure that you Madam President in your introductory remarks yesterday placed complementarity squarely at the center of the agenda of your presidency.

Madam President, let me conclude by thanking civil society for their contribution to our work. Whether you are here for one of the international human rights NGOs or for the CICC - whether you come from one of the national NGOs working to promote the goals of the International Criminal Court --- we highly value your input. Next year's celebrations of the tenth anniversary of the International Criminal Court will also be a celebration of your contributions.

Thank you, Madam President.