



CZECH REPUBLIC

Embassy of the Czech Republic in The Hague

Check Against Delivery

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

Statement by

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Madam President,

At the outset I would like to congratulate you on your active leadership of the Bureau and assure you that the Czech Republic – as one of the Bureau members – remains ready to fully cooperate during this ASP.

Madam President,

The Czech Republic fully endorses the statement on behalf of the EU and wishes to add a few remarks in its national capacity.

The Czech Republic is strongly committed to the idea of the international criminal justice, in particular the ICC. We believe that the role of the ICC in the struggle against impunity is irreplaceable and stand ready to support it wherever possible. In the upcoming ASP discussion, we – the States - need to keep in mind that the ICC is a judicial body – its *raison d'être* is delivering justice in concrete cases and we should not complicate this task under the dictate of ongoing political events.

At the same time, the Czech Republic takes into account current developments in Africa and is carefully listening to the concerns raised by some States. We would like to take active part in the on-going discussion.

During our domestic ratification process, we were repeatedly asked, whether the ICC is an instrument to maintain international peace and security, or merely a cover-up for some countries promoting their vested interests under the pretence of human rights protection. Our answer was that each State has the responsibility towards all its nationals and individuals within its jurisdiction – the responsibility for the protection and safeguarding of their fundamental human rights. In addition, every State has the responsibility towards other States of the international community – the responsibility for punishing such crimes whenever committed on its territory or by its nationals. This is the only way to safeguard the international peace and security. The international peace and security will never work, if we do not bear the consequences of such responsibility.

The International Criminal Court is based on the idea that the primary responsibility for respecting and protecting human rights rests with the States. And only when a State fails, then it is time for the international community to step in and show its responsibility towards individuals, to send out a clear message that nobody is above the law, that nobody can evade responsibility for any crimes that States agreed to identify as dangerous to the international peace and security. It is a key element of the rule of law and the fairness of the international justice. For this reason, the Czech Republic is ready to discuss possible procedural measures to facilitate to the accused, including current Heads of State, their presence before the Court, but will oppose any proposals undermining the key elements of the whole system of the international justice.

In this context, the Czech Republic appreciates recent decision of the Trial and Appeal Chamber regarding the interpretation of Article 63 of the Rome Statute which clearly shows that the Court is ready to listen to the States' concerns and find suitable solution within the framework of the Rome Statute. The Czech Republic appreciates that the States which have raised the issue of immunity of Heads of State and the presence of an accused Head of State at the trial are looking for the judicial solution within the framework of the Rome Statute.

The main topics of this ASP will be victims and cooperation. The issue of victims has taken an increasingly important place in the contemporary system of international criminal law. Every victim has to know that justice has been served in an adequate time frame and reparation is also relevant. As we are all aware, to find an appropriate model for victims' compensation is not an easy task and shouldn't divert us from the Court's main objective which is to render justice. Nevertheless, it is obvious that the Trust Fund for Victims plays a crucial role in this regard. Therefore, it is my pleasure to inform you that the Czech Republic intends to contribute to the Trust Fund for Victims before the end of 2013.

Regarding the topic of cooperation, I would like to point out that the Czech Republic adopted the new "Act on International Judicial Cooperation in Criminal Matters" which will enter into force in January 2014. This Act explicitly and in detail regulates cooperation with the ICC as well as other international criminal courts and tribunals.

Madam President,

In conclusion, I should also briefly inform you where we are with the Kampala Amendments. The Czech Republic had launched the ratification process, which was interrupted due to the internal political situation. Nevertheless, by now the Ministry of Foreign Affairs has already received reactions from other Ministries. In the near future, the process will resume again.

Thank you, Madam President.