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Chairman: Mr. Prandler (Hungary)

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The meeting was called to order at 10.10 a.m.

Agenda item 158: Establishment of the International Criminal Court (A/57/208 and A/57/403; A/C.6/57/L.16)

1. **Mr. Aguilar Zinser** (Mexico) said that the entry into force, on 1 July 2002, of the Statute of the International Court of Justice was a landmark in the history of international relations and a sign that the international community was not prepared to continue tolerating abuses of humanitarian law and human rights.

2. The Court's work would begin with the election of the judges, and its infrastructure would be completed during 2003. Mexico commended the Preparatory Commission, its officers and the delegations for their efforts, as well as the coalition of non-governmental organizations, which had shown that organized civil society could be a strong and effective force in mobilizing international action and the political will of States.

3. Nevertheless, the entry into force of the Statute was only the first step, and States and non-governmental organizations would have to work constantly to ensure that the Court would be effective, independent, impartial and, above all, legitimate and credible. States and civil society still had some challenges to face, not only from those who disdained the international institutions but also from those who in the still recent past had worked to eliminate impunity but who now, paradoxically, saw the Court as a threat to their interests.

4. Despite the differences that had arisen during the preparatory process for the Rome Conference, all States had agreed that the Court should never ever be used as a political instrument. The checks and balances provided for in the Statute were designed to guarantee the independence and impartiality of the institution. The high level of competence and moral integrity of the staff would help to ensure that the Statute would be applied faithfully, without regard for political interests or power arrangements.

5. Mexico deeply regretted the position of the United States and the steps it had taken to discourage others from ratifying the Statute and persuade them to enter into agreements that would prevent its nationals from being handed over to the Court. Such agreements

went against the letter and the spirit of the Statute, weakened its integrity, undermined the principle of criminal liability of individuals guilty of crimes against humanity, and were contrary to international law.

6. He congratulated the European Union for establishing criteria that would protect the Statute with respect to bilateral agreements, and he encouraged other States to do likewise. Mexico would not sign any instrument that was designed to undermine the authority of the Court or work against the established principles of international law. Mexico would continue to support the Court without reservation and looked forward to participating in its work as a State party once the legislature of the Republic had ratified the Statute.

7. **Mr. Mwandembwa** (United Republic of Tanzania) said that his country and the international community had witnessed with satisfaction the entry into force, on 1 July 2002, of the Rome Statute. The Preparatory Commission and its Chairman, in particular, had done a commendable job. His delegation also wished to extend its thanks for the assistance rendered to Tanzania and other developing countries, which had enabled them to participate in the sessions of the Preparatory Commission. The International Criminal Court was in a position to start its operations in the near future, once some issues had been settled, such as the election of the judges, the Prosecutor and the Registrar, and the definition of the crime of aggression. Tanzania was looking forward to the completion of that task.

8. With the International Criminal Court's jurisdiction to try cases of genocide, war crimes and crimes against humanity, there would be no room for impunity. The Court would be the correct replacement to remedy the deficiencies of the ad hoc tribunals and would provide a legal forum when national criminal justice institutions were unwilling or unable to act. Furthermore, it would provide a strong deterrence to potential criminals by giving them a clear warning that there was no place for them to hide.

9. Tanzania had ratified the Statute of the International Criminal Court on 1 August 2002 and was willing and ready to cooperate with other States Members of the United Nations to advance the cause of the Court. Although the fast rate of acceptance of the Court was reflected in the number of ratifications, which currently stood at 81, that should not be cause

for complacency, since some of the most powerful and most populous countries had not yet ratified the Statute.

10. He wished to reassure members that Tanzania was willing to work with all Member States to persuade those countries that had not yet joined the Court that it was in their interest to do so. The International Criminal Court was a reality that could not be ignored by those who opposed it. The political will of States was essential to make the acceptance of the Court universal.

11. **Ms. Chatsis** (Canada) recalled the difficulties which had marked the birth of the International Criminal Court and said that efforts to secure broad immunity from its jurisdiction were unnecessary and unfortunate. The Rome Statute was a carefully balanced instrument which respected the sovereignty of States willing to fulfil their legal obligations to investigate and, where necessary, prosecute those who committed the most heinous crimes. Her country was willing to discuss any legitimate concern those States might have with regard to the Court and was firmly committed to ensuring full respect for the Rome Statute.

12. Although ratification of the Rome Statute by 81 States in such a short time was an unprecedented achievement, the objective remained universal accession. Canada would help all States parties to fully implement their obligations under the Rome Statute and thus to cooperate fully with the Court.

13. Through its Human Security Programme, Canada had contributed to the holding of a number of conferences on ratification and implementation of the Rome Statute and to organizing workshops and seminars, in cooperation with the European Union, the Commonwealth and other associations and non-governmental organizations, such as the Coalition for an International Criminal Court, to promote awareness of the Statute and the obligations it imposed, raise public awareness and share experiences in the development of enabling legislation by its States parties. In that connection, she noted the production of a series of manuals on the Statute and the assistance provided to the organization of an international association of criminal lawyers with a view to protecting the rights of defendants. The objectives of the campaign to raise awareness among those States which had not ratified the Statute were to address

concerns about the Court, emphasizing the many safeguards in the Statute and other key documents; encourage those States to explore innovative ways of cooperating with the Court, while remaining non-States parties; and promote popular support for that cause. Realizing those objectives would not be easy, and overcoming ingrained prejudices would require a strategic and determined approach. In that connection, the mass media were an important vehicle for disseminating key messages on the Court, and States parties should complement the work done in that regard by the Advance Team for the International Criminal Court.

14. Canada remained optimistic about the long-term success of the Court. The vast majority of the members of the United Nations were committed to ending impunity and ensuring global justice, even if they differed on how to achieve those noble objectives. In conclusion, she referred to the recent bestowal of the Nobel Peace Prize on Jimmy Carter and recalled the support of the Carter Center for the establishment of the International Criminal Court.

15. **Mr. Ndekhedehe** (Nigeria) said that the establishment of the International Criminal Court represented a significant achievement in the global effort to end impunity for serious violations of international humanitarian law. Nigeria would continue to participate actively in every aspect of that process. Recognizing the non-retroactive nature of the Court's jurisdiction and its complementarity to national jurisdictions, he noted with satisfaction that the Rome Statute contained adequate safeguards to protect genuine national concerns and allay fears of possible erosion of national sovereignty.

16. The Court must function without any form of interference; furthermore, in order for it to become an impartial, truly independent and credible judicial institution, its judges must be persons of honour and integrity. Accordingly, his delegation urged States parties to the Rome Statute to ensure that judges of proven integrity and professional competence were elected to the Court, and that they reflected fair and equitable geographical representation in accordance with the provisions of article 36 of the Statute.

17. Nigeria urged States Parties to the Rome Statute, other States Members of the United Nations and non-State actors to give the International Criminal Court all the support necessary to become a strong institution

which could act as a deterrent to the worst crimes, including crimes against humanity.

18. **Mr. Quartey** (Ghana) said that Ghana had always supported and cooperated towards the establishment of the International Criminal Court. For the African countries, the existence of a tribunal with international jurisdiction that could prosecute the authors of genocide, crimes against humanity, war crimes and crimes of aggression was very important. His country was convinced that the Rome Statute had sufficient safeguards to guarantee that it would maintain a high standard of justice.

19. Diverse legal traditions and systems should be borne in mind in electing judges, prosecutors and other officials; the composition of the Court should reflect broad geographical diversity, and those elected should demonstrate gender sensitivity. Ghana intended to nominate a candidate who had those qualifications in due course.

20. Lastly, he expressed concern that certain States were not convinced of the Court's impartiality and were attempting to conclude special bilateral agreements that could impede its functioning.

21. **Ms. Gjorgieva** (the former Yugoslav Republic of Macedonia) said that the International Criminal Court, the first major institution of the new millennium, represented a victory against impunity and put an end to a misconception of the sovereignty of States in the face of serious violations of human rights. Her country had been a long-standing supporter of the principle of an International Criminal Court and was determined to cooperate in the prevention and punishment of crimes under the Court's jurisdiction; to that end, a start had been made on preparing the necessary domestic laws.

22. The Rome Statute and related legal instruments provided extensive safeguards to preclude frivolous and politically motivated prosecutions. It was time to demonstrate that the Court was an effective and independent institution, capable of responding adequately to situations in which national institutions had failed to deliver justice. Her country was grateful for the support of the Netherlands and for the contribution of non-governmental organizations and civil society to the preparatory work leading to the establishment of the International Criminal Court.

23. The election of judges and of the Prosecutor was highly important and States should spare no effort to

ensure that the Prosecutor was elected by consensus. The Assembly of States Parties to the Rome Statute should adopt a balanced approach and resist any political interference that might impair the independence and impartiality of the Court. Another important task of the Assembly would be to prepare a proposal on the definition of the crime of aggression.

24. Since the jurisdiction of the International Criminal Court was complementary to that of States, the latter would retain prime responsibility for the prevention and punishment of the crimes set forth in the Statute. It was essential to ensure that the creation of the Court did not make States feel that they were relieved of that vital mission.

25. The Court had not yet become truly universal. It was necessary to address concerns regarding the possibility of politically motivated prosecution in ways that did not compromise the Court or international law and did not place the Security Council in an untenable position entailing a risk of a return to impunity for genocide, crimes against humanity and war crimes. Her country fully supported the common position of the European Council in that connection.

26. **Mr. Kafando** (Burkina Faso) reaffirmed his country's commitment to the principles underlying the establishment of the International Criminal Court.

27. Emphasis should be placed on the important role played by the Preparatory Commission, the non-governmental organizations and the numerous associations that had tirelessly advocated the creation of the Court. However, he warned that, far from being complacent, the international community must maintain its vigilance and guard against any attempt to politicize the Court or to impose conditions on it that might compromise its objectivity and impartiality. The approval of basic texts such as the Rules of Procedure and Evidence, the Elements of Crimes and the Financial Regulations represented an important step in that direction.

28. In conclusion, he said that his country, which had signed the Rome Statute, had embarked on a wide-ranging process of national consultation in favour of ratification.

29. **Mr. Loizaga** (Paraguay) reaffirmed the political will of his country to give all necessary support to strengthen the Rome Statute of the International Criminal Court which it had ratified on 14 May 2001.

Paraguay greatly appreciated the progress represented by the Statute in ending the impunity of those who had committed violations and crimes against humanity and considered that the instrument would not give rise to political prosecutions but, on the contrary, would provide a means of applying the standards of international humanitarian law in a responsible, independent and transparent manner.

30. Attention should be drawn to the success of the first Assembly of States Parties at which the legal instruments necessary for the establishment and operation of the Court, and the Financial Regulations, had been adopted unanimously. What was necessary now was for the Member States, in the process of electing the judges of the Court, to observe strictly all the provisions of the Statute in order to ensure a fair and effective system of justice independent of political authorities and which provided for the fair representation of the main legal systems of the world and for equitable geographical representation: his country had submitted a candidate for the election of judges which would be held in February 2003.

31. In view of the enormous task of establishing the International Criminal Court, his country appealed to the signatory States that had not ratified the Rome Statute to do so in the near future in order to ensure the universality of the Court and urged States that had ratified it to adopt substantive implementing legislation. His country would shortly be signing the Agreement on the Privileges and Immunities of the International Criminal Court which would be submitted to the National Congress for consideration.

32. In conclusion, he expressed the hope that the integrity and principles of the Rome Statute would not be impaired by any interest inconsistent with those principles and that the States Parties would give the necessary support to the International Criminal Court so as to preserve its independence, impartiality and effectiveness.

33. **Ms. Ramoutar** (Trinidad and Tobago), speaking on behalf of the 14 member States of the Caribbean Community (CARICOM) that were also States Members of the United Nations, said that the States Parties to the Rome Statute must strive to ensure that the International Criminal Court was fully equipped to fulfil the purposes for which it had been established. The Court should be provided with adequate resources from the assessed contributions of States Parties, funds

provided by the United Nations and voluntary contributions; otherwise, it might soon find itself unable to act effectively and independently.

34. The staff of the Court, including the judges, the Prosecutor and the Registrar, must be persons of the highest competence and high moral character. Moreover, the staff of the Court must reflect the diversity of the States Parties to the Statute and the necessary gender balance.

35. The Assembly of States Parties had adopted procedures for the continuation of work on the crime of aggression and she hoped that satisfactory results would be achieved in the near future. The CARICOM States trusted that the Review Conference would include serious drug-trafficking offences and other transboundary criminal activities within the jurisdiction of the Court.

36. In order to maintain the credibility of the Court and ensure its impartiality, independence and effectiveness, States Parties must take the necessary measures to implement the Statute in its entirety. It was important to stress the universality of the Court, since that was the only way of making it a truly effective instrument for eradicating impunity for the crimes within its jurisdiction.

37. **Mr. Vásquez** (Ecuador) reiterated his country's firm commitment to the International Criminal Court, an institution destined to play a role of the utmost importance for international criminal justice. Ecuador had been one of the first countries to sign and ratify the Statute, which must be respected in its entirety. By establishing the Court as a permanent and independent institution with a jurisdiction which complemented national criminal jurisdictions, the international community had expressed its renewed confidence in the rule of law with a view to the rendering of justice, the eradication of impunity and the prevention of new crimes, for the benefit of present and future generations.

38. His delegation was pleased to see that ratifications of the Statute were constantly increasing and invited States which had not yet done so to consider acceding to it. The next and most important step would be the election of the judges and Prosecutor from among the most qualified candidates from all geographical regions. That would ensure the efficient functioning of the Court, together with its credibility and authority: the adoption by the Assembly at its first

session of the procedure for the election of the judges and Prosecutor would make it possible to attain that objective.

39. In order to further the cause of peace and international criminal justice, the International Criminal Court must be permanent and independent and apply the rules of the Statute in a coherent manner. Ecuador believed that fruitful cooperation could be established between the United Nations and the Court.

40. **Mr. Šahović** (Federal Republic of Yugoslavia) said that the establishment of an international criminal court with jurisdiction to prosecute the most serious violations of international humanitarian law had been a defining moment, indicating that impunity and selective justice would soon be things of the past.

41. There was an ongoing debate in his country as to whether the establishment of the International Criminal Tribunal for the Former Yugoslavia represented an appropriate response by the international community or merely an ad hoc solution applying the principle of selective justice. The establishment of the International Criminal Court would make it possible to avoid such ambiguities in the future.

42. If the Court was to function independently, fairly and effectively, it was essential that the judges and Prosecutor should be elected through a democratic and transparent process based on the criteria of professional qualification, integrity and impartiality and respecting the principles of the Rome Statute concerning equal geographical and gender representation, as well as the presence of all legal systems. Those conditions should guarantee the credibility of the Court, which was essential for its universal acceptance.

43. Despite all efforts, the process of implementing the Rome Statute had not been fast enough and the States Parties had to incorporate its main provisions in their domestic legislation. His country welcomed the efforts of the European Union and the States Parties in general to ensure the integrity of the International Criminal Court and considered that the Assembly of States Parties should continue to play a key role in overseeing the Court's performance, without any political interference.

44. **Mr. Mezeme-Mba** (Gabon) said that the establishment of a permanent international criminal court reflected the will of States to go beyond ad hoc tribunals and would be a palpable demonstration that

international criminal justice was just as effective as national criminal justice.

45. The entry into force of the Rome Statute was a landmark in the history of international criminal justice. The Statute was an appropriate instrument for the punishment of the crimes set out therein and, his country hoped, in that regard, that work on the definition of the crime of aggression would soon be completed. His country had ratified the Statute and was ready to take all steps necessary to cooperate with the Court; to that end, it intended to revise its criminal code and law of criminal procedure, so as to incorporate the crimes and punishment mechanisms described in the Statute into its domestic law.

46. The important step of electing the judges and prosecutors of the Court had yet to be taken, and his country hoped that the principle of equitable geographical distribution would be applied so that all regions would be well represented.

47. **Mr. Guan Jian** (China) said that his country had actively participated in the process of setting up the International Criminal Court and that, while not yet a party to the Rome Statute, it would follow closely the development and operation of the Court and was ready to collaborate further with the international community in strengthening the rule of law.

48. The principle of universality required the composition of the Court to be broadly representative. The Assembly of States Parties had set minimal requirements in respect of geographical representation and gender balance, but the States Parties should fully respect them in the process of nominating and voting for the candidates, otherwise the Court would be reduced to a regional institution and its authority would thus be undermined.

49. His country had always appreciated the need for an international criminal court marked by genuine independence, impartiality, effectiveness and universality and very much hoped that its establishment would make it possible to bring to justice the perpetrators of the most serious international crimes, thereby helping not only to build confidence in international justice, but ultimately contributing to the maintenance of international peace and security.

50. **Mr. Rowe** (Australia) said that the creation of the International Criminal Court was a major achievement by the international legal community. The fact that the

Assembly of States Parties had approved the proposals, resolutions and decisions of the Preparatory Commission by consensus and without amendment was clear evidence of the general desire to ensure that the Court would become operative without delay. His country appreciated the offer of the Netherlands to host the Court at The Hague and to meet the installation costs over the first 10 years; another reason for satisfaction was the sense of responsibility demonstrated by the Assembly of States Parties in approving the budget for the first financial period of the Court, thanks in part to the generosity of the Netherlands: it was important for the States Parties to approve equally responsible budgets for future financial periods.

51. His country attached great importance to the election of the judges and senior officials of the Court and to the fact that the Prosecutor would be appointed by consensus; all of them should have adequate experience and qualifications as required by the Statute.

52. Although his country fully supported the International Criminal Court, it respected the fact that some States had decided not to be parties to the Statute and considered that the States Parties should adopt all necessary measures to adapt to the requirements of the Court. The United States of America had proposed consultations, within the scope of article 98, paragraph 2, of the Statute, on a bilateral agreement to prevent the surrender to the Court of United States nationals without prior consent, a proposal that his country was considering carefully. Although it did not share the point of view of the United States concerning the International Criminal Court, his country understood the concern of that country to protect its nationals from politically motivated trials and, if it decided to sign the agreement, would ensure beforehand that the terms of the agreement did not contravene the Statute.

53. **Mr. Sun Suon** (Cambodia) welcomed the entry into force of the Rome Statute which was a historic landmark in international criminal justice. It was also encouraging that 81 States had ratified the Statute and that a solution had finally been reached by the Assembly on a number of basic documents of vital importance to Member States such as the Rules of Procedure for the election of judges of the International Criminal Court.

54. Cambodia, which had been the first country in South-East Asia to ratify the Statute and was one of the 60 States whose ratification had made possible its entry into force, reaffirmed its commitment to join the efforts of the international community to end impunity in the world, an undertaking consistent with its national programme for the strengthening of democracy, the rule of law and human rights. However, in order for the Court to become a truly independent, impartial, effective and universal institution, it was necessary for all States to become parties to the Statute and respect its integrity, for the election of the judges to be fair, transparent and non-discriminatory and for the Court to be truly representative.

55. Cambodia had had the honour of being a co-sponsor and host of the Regional Conference of observing experts of the International Criminal Court which had met to analyse and raise awareness of the operation of the Court on the occasion of the entry into force of the Statute. The Government of his country would study the question of adapting its new Criminal Code and Code of Criminal Procedure, which were under preparation, to make them consistent with the provisions of the Rome Statute as part of the ongoing judicial and legislative reform in the country.

56. **Mr. Bocalandro** (Argentina) said that the International Criminal Court was a universal judicial institution in whose creation civil society had played an important part. In that connection, mention must be made of the contribution of the Coalition for the International Criminal Court; he also welcomed the support given by the Government of the Netherlands.

57. Thanks to the consensus reached in the Assembly of States Parties, a balanced system had been put in place for the election of judges and the Prosecutor of the Court which met the requirements of the Rome Statute with respect to qualifications, gender balance, regional distribution and national legal systems. Argentina was confident that the most suitable persons would be elected and had announced to Member States its intention to submit a candidate. Moreover, his country had just signed the Agreement on the Privileges and Immunities of the Court, a basic instrument for its operation, and hoped, together with other Governments, that the Agreement would shortly enter into force.

58. The most delicate problem being faced by the Court was the fear that the judges might act

inappropriately or that their functions would become politicized. However, the Rome Statute provided adequate remedies and safeguards to avoid the improper application of its articles and to safeguard the legitimate interests of all States and their nationals. Among other things, mention must be made of the principle of territoriality applicable to crimes committed in the territory of a State that had ratified the Statute and the principle of complementarity which ensured the primacy of local jurisdictions. Accordingly, Argentina reiterated its opposition to any amendment of the provisions of the Statute and to the conclusion of agreements that might impair its integrity, purpose and finality, to the detriment of the future competence of the Court.

59. **Mr. Nhleko** (Swaziland) said that the establishment of the International Criminal Court would put an end to impunity. The Rome Statute laid the foundation for a strong, effective and independent court, and Swaziland expected that it would be acceding to the Statute soon.

60. He welcomed the decisions adopted by consensus at the first session of the Assembly of States Parties relating to the procedure for the election of judges and the Agreement on Privileges and Immunities of the Court. He also noted with satisfaction the progress achieved by the advance team, with the cooperation of the host country, to ensure that the Court would be able to begin its work in 2004 as planned. His delegation was ready to contribute vigorously towards meeting the many challenges that lay ahead.

61. **Mr. Lamba** (Malawi) said that on 19 September 2002, his delegation had deposited at the United Nations the instrument of ratification of the Rome Statute, thus formally acceding to the International Criminal Court. In so doing, Malawi had demonstrated its commitment to the international political resolve to uphold the rule of law and break free of a long past characterized by gross violations of human rights. The Court was the most important guard against such crimes, which had gone on virtually unpunished, even in certain humanitarian actions purporting to mitigate human suffering, including in peacekeeping operations.

62. Malawi would like to see the functions and credibility of the Court being jealously protected and promoted by all States. The Court should consolidate its competence and independence, and that required the unequivocal commitment and vigilance of all States. It

would also take a careful selection of the officers of the Court, who must be the embodiment of unquestionable personal integrity and independence, particularly the judges.

63. The Court must not become a virtual playground for narrow self-interests seeking to secure unjustifiable exemptions from prosecution for crimes that were punishable under the Statute. Therefore, it was the duty and responsibility of all States to promote acceptance of the Court and support for its decisions and rulings, however painful. Malawi would soon enact legislation to ensure complete complementarity between its national criminal justice system and the jurisdiction of the International Criminal Court.

64. **Mr. Šimonović** (Croatia) said that his delegation welcomed the entry into force of the Rome Statute and hoped that the establishment of the International Criminal Court would obviate the need for setting up ad hoc tribunals for particular crimes or regions.

65. Concerning the debate on the scope of the Court's jurisdiction with regard to non-Parties, he said that the Court should not be perceived as a threat to any country willing to respect international humanitarian law and basic human rights. Its jurisdiction was strictly dependent on the principle of complementarity, while additional checks and balances contained in the Statute provided sufficient assurances against the scepticism expressed by some countries. Pragmatic reasoning might justify attempts to reach some kind of compromise, but in the long term, the widest possible participation in the Rome Statute remained the best answer to those misgivings.

66. Croatia was concerned about certain pending questions, such as the elaboration of comprehensive legislation to establish prerequisites for the national implementation of the Statute, both in its criminal and practical aspects, and the definition of the crime of aggression, without which the Statute remained incomplete.

67. The authority, independence and representativeness of the Court would depend on the election of judges and the prosecutor. Croatia was encouraged by the increasing number of highly qualified candidates coming from all regions and was seriously considering the possibility of nominating a candidate for judge on the Court.

68. The strongest guarantee for the Court's credibility, however, came from the ever-increasing number of States Parties. Governments and civil society must work together to build international public support and a better understanding of the Court's mechanisms.

69. As a member of the Bureau of the Assembly of States Parties, Croatia was proud to be able to assist in fulfilling its tasks during the initial and critical period of the Court's existence.

70. **Mr. Peersman** (Netherlands) said that his delegation adhered to the statement made by the representative of Denmark on behalf of the European Union. The Netherlands supported the European Union's campaign to gain universal acceptance of the Rome Statute and to convince those countries that had not already done so to accede to the Statute.

71. The Netherlands had an unwavering commitment to the establishment of an independent and impartial International Criminal Court. The work of the advance team was in full swing, and arrangements were being made for the inaugural session in The Hague on 11 March 2003, to which the States Parties would be invited. All States Members had been asked to provide information on contact persons or instances in the national capitals.

72. The Netherlands had coordinated the preparation of draft resolution A/C.6/57/L.16, on the establishment of the International Criminal Court, which had been circulated among all delegations following the discussions with interested delegations and the President of the Assembly of States Parties. The draft resolution took due account of the progress achieved to date; soon the Second Committee would not be referring to the establishment of the Court any more, but to the Court as a fully operational international institution.

73. His delegation requested the Secretariat to continue providing its resources and services, as it had done so far and on a provisional basis, to the Preparatory Commission and the Assembly of States Parties. He also asked that the Secretariat should make the necessary preparations to hold the February 2003 session of the Assembly, at which the judges and the prosecutor would be elected, at United Nations Headquarters. The Netherlands welcomed the nominations for the position of judge made so far by several States and called upon those States that had not

yet done so to submit other nominations, in order to achieve adequate representation of the different legal systems and regions of the world as well as gender balance. It should be stressed that costs that might accrue for the services rendered to the Assembly of States Parties would be paid in advance to the United Nations.

74. The revised version of the draft resolution, which would be published shortly, would include a new paragraph after paragraph 11, which would read as follows: "Expresses its appreciation to States that made voluntary contributions to the first session of the Assembly of States Parties, in accordance with paragraph 10 of resolution 56/85". Likewise, a footnote would be added to paragraph 4 listing all documents and instruments adopted during the first session of the Assembly of States Parties. His delegation called upon all Member States to support the draft resolution.

75. **Mr. Ilnytskyi** (Ukraine) said that the entry into force on 1 July 2002 of the Rome Statute showed the international community's confidence in the ability of the International Criminal Court to act impartially and effectively in the prevention and punishment of such serious violations of humanitarian law as genocide, crimes against humanity, war crimes and, in time, the crime of aggression. The effort of the international community had led to the existence of a permanent criminal judicial institution based on the principle of complementarity and delicate balances, which was called to end impunity for those responsible for the most brutal crimes.

76. During the current year, the Preparatory Commission had fulfilled the mandate entrusted to it by the Rome Diplomatic Conference. At its first session, the Assembly of States Parties had adopted the documents that were crucial for making the Court operational. The advance team in The Hague had also contributed to that effort.

77. The Assembly of States Parties had reached agreement on the procedure for the election of judges and of the Prosecutor, which would take place soon, as well as for the election of the Registrar. A prerequisite for the effectiveness of the Court and its universal recognition would be the impartiality, integrity and qualifications of those to be appointed to the highest offices.

78. The question of the elaboration of the definition of the crime of aggression, including the elements of

the crime and the conditions under which the International Criminal Court would exercise its jurisdiction, was also important to his country. The system of international criminal justice would be incomplete without a definition of the crime of aggression. His delegation looked forward to the next stage of the negotiation process, which should lead to a significant result in that regard.

79. As a signatory State to the Rome Statute, Ukraine strongly supported the principles and values contained therein. His delegation was confident that the international community would be able to finalize the process of putting in place an independent and effective international criminal judicial institution.

The meeting rose at 12.30 p.m.