
**The proposed renewal of the provisions of Security Council
Resolution 1422 (2002)**

**Statement by H.E. Ambassador Adamantios Th. Vassilakis
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on behalf of the European Union**

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Mr. President

I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries Bulgaria and Romania, as well as the EFTA countries members of the European Economic Area, Iceland and Norway declare that they align themselves with this statement.

At the outset I would like to thank you and all the members of the Security Council for giving us the possibility to express ourselves on this important matter.

Mr. President

The entry into force of the Rome Statute of the International Criminal Court (ICC) on 1 July 2002 and the subsequent establishment of the International Criminal Court, which has become fully functional this year upon the election of the 18 judges and the Prosecutor, constitute a major step in the progressive development of international law that will allow a long standing dream of humanity to finally take shape, that is to put an end to impunity.

All Members States of the European Union have ratified the Statute.

The ICC is not just a judicial institution designed to prevent and put an end to the impunity of the perpetrators of serious crimes which are of concern for all States, but is also an essential means of promoting respect for international humanitarian law and human rights law, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace and the strengthening of

international security. The objectives of the Rome Statute are therefore in conformity with the purposes and principles of the UN Charter.

From the very outset the EU has been strongly supportive of the early establishment of the ICC and is, and will remain, firmly committed to its effective functioning. In our Common Position, adopted by the EU Council of Ministers in June 2001 and reaffirmed in June 2002, we have pledged to promote the widest possible participation in the Statute, to share our experiences of its implementation and to provide technical assistance to the best of our ability. This Common Position is now in the process of being revised with a view to being consolidated and updated and to take into account new developments, such as the adoption of the General Affairs and External Relations Council Conclusions of 30 September 2002 on the ICC as well as the Guiding Principles annexed thereto.

The promotion of the widest possible participation in and the implementation of the Statute in negotiations or political dialogues with third States, groups of States or relevant regional organizations, whenever appropriate, are declared EU objectives. In addition the EU is determined to adopt initiatives to promote the dissemination of the values, principles and provisions of the Statute and related instruments.

Mr President,

The EU restates its belief that the concerns expressed by the United States about politically motivated prosecutions are unfounded since those concerns have been met and sufficient safeguards against such prosecutions have been built into the Statute. Indeed, the latter contains substantive safeguards and fair trial guarantees to ensure that such a situation would never arise. The EU can now, in addition, point to the high moral character and integrity of the 18 judges and the Prosecutor of the Court, who have been elected from among the most highly qualified candidates in the world, and who have given, or are about to give, a solemn undertaking to perform their functions impartially. Furthermore, the Statute incorporates the principle of complementarity, which places the primary responsibility for investigation and prosecution with domestic jurisdictions. The Court may assume responsibility as a last resort and only when a state is unable or unwilling to do so.

Among the various responses agreed by the drafters of the Statute to address the above mentioned concerns is Article 16 of the Rome Statute. This article states that “no investigation or prosecution may be

commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect.” In our view, this article should be only invoked in conformity with the Statute.

Mr President,

The EU wishes to reiterate its appreciation to the United States for their important contribution to peacekeeping missions around the world. We also would like to commend individual peacekeepers for their hard work and dedication in trying to maintain and restore peace and stability in risky, dangerous and volatile environments. It is the strong belief of the EU that the ICC is no threat to peacekeeping, but a welcome safeguard to protect peacekeepers against serious crimes. SCR 1422 states that the Council intends to renew the request contained in it for as long as it may be necessary. It is clear that any necessity to do so should also be evaluated in the light of the positive effects that the ICC will have for the peacekeeping. In stating this, the EU would point to the significant number of personnel its Member States contribute to peacekeeping operations. Our adherence to the Rome Statute should be seen as an indication of complete trust in the way peacekeepers operate under their mandate and, at the same time, in the necessity to properly investigate any allegations of criminal conduct on their part if need be.

Mr President,

The EU is of the view that the inclusion in Resolution 1422 of the phrase “renew the request ...under the same conditions each 1 July for further 12-month periods for as long as may be necessary” cannot be interpreted as permitting the automatic renewal of that resolution without taking into account the specific conditions under which such a request is being made. The EU firmly believes that an automatic renewal of that resolution would be undermining the letter and the spirit of the Statute of the ICC and of its fundamental purpose that is to put an end to impunity for the most serious crimes of concern to international community, by bringing to justice in all cases all those within the Court’s jurisdiction.

We urge all members of the Security Council to do their utmost to reach a solution that will preserve the integrity of the Rome Statute and will ensure the unimpeded continuation of peacekeeping operations.

Thank you Mr President