

Statement by Croatia on the Eighth Report of the Prosecutor of the ICC pursuant to Resolution 1593 (2005)

December 3, 2008

(official record from the UN)

The President: I shall now make a statement in my capacity as the representative of Croatia. I join others in thanking Mr. Moreno-Ocampo for his briefing and offer both him and the International Criminal Court (ICC) Croatia's full support.

This morning we heard yet another very disturbing report which not only conveys a lack of substantive progress in bringing to justice those responsible for atrocities in Darfur but also the threat of ongoing violence. Shocking and abhorrent crimes continue to be committed against innocent civilians, mostly women and children. Equally deplorable is a string of attacks against peacekeepers and humanitarian workers. We take note of the latest application presented by the Prosecutor against three rebel commanders in connection with the Haskanita attack and the application against Omar Al-Bashir.

It is regrettable that the Government of the Sudan continues to refuse to cooperate with the Court despite its prosecutions, many of which engage the Government in the judicial process. The principle of complementarity is the cornerstone of the ICC. It is disappointing to note that, despite its rhetoric, the Government of the Sudan has not made any genuine effort to comply with the complementarity test and allow the Court to examine the admissibility of the applications.

While we appreciate the ongoing efforts aimed at securing a peaceful solution to the conflict in Darfur, and the sensitivities of that process, Croatia believes that it would be tragic if this should lead to accommodating permanent impunity by interfering with the ongoing independent judicial activities.

As regards the lack of cooperation of the Government of Sudan with the International Criminal Court, this, in our view, represents the Sudan's disregard of its international obligations as specified in Security Council resolution 1593 (2005). As such, it also represents the disregard of the Security Council itself. The constant defiance of the Sudan towards the Court shows contempt for the multitude of victims in Darfur, as well as for international order and the United Nations Charter. The crimes committed in Darfur, and the impunity associated with these acts, as demonstrated by the Government of the Sudan, is intolerable and must be brought to an end.

We reiterate the clear message that this Council reaffirmed in its presidential statement last June (S/PRST/2008/21) and call upon the Government of the Sudan, all parties to the conflict in Darfur, as well as United Nations Member States, to extend their full cooperation to the Court.

Croatia takes seriously and supports the Prosecutor's recommendations on bilateral and multilateral actions that need to be taken in order to ensure enforcement of the Court's decisions in the future, in the hope that these can be endorsed by all members of the international community.