

SPEECHES/STATEMENTS

18 June 1998

STATEMENT BY H.E. DR. PETER CHKHEIDZE, PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS



Mr. President, Honoured Guests and Distinguished Delegates,

Let me first congratulate you and other members of the Bureau, on the election to this important Office.

I am greatly honoured to have the opportunity to take the floor on this momentous occasion, charged with paramount historic meaning and significance.

Today, for the first time in the nearly half a century, we have a realistic chance to bring into fruition a goal of crucial importance and magnitude: conclude the convention on the establishment of a permanent international criminal court, capable of bringing to justice those responsible for war crimes, crimes against humanity and crimes against peace.

It is not a mere coincidence that we are right here, to take this historic decision. Where else than in Rome, would it be more appropriate to hold a Diplomatic Conference on the Establishment of an International Criminal Court. Let me express my Delegation's sympathy and appreciation to the Government of Italy, whose generous decision to host this high Forum, has brought us together in this eternal city, the cradle of a common foundation upon which the European legal order is built.

Mr. President,

My Government attaches overriding importance to the establishment of a permanent International Criminal Court. We are confident that the creation of such a jurisdictional body will significantly contribute to the strengthening of the Rule of Law, which is the basis for Georgia's democratic development and the necessary prerequisite for her integration in the world community.

Unfortunately, for all of us, war is a universal social process which has existed ever since the inception of the mankind. But it is all the more regrettable that the gains of civilization could not put a stop to the atrocities of war. On the contrary, the war crimes have become even more elaborate and sophisticated. Suffering of the civilian population, massacre of children, rape of women, torture of prisoners and so on, still remain invariable companions of the modern warfare.

These crimes get more severe and brutal when it comes to non-international armed conflicts. we have witnessed all this in different countries, including Georgia, where most serious crimes are still being perpetrated by those who are unhampered neither by morality nor by law.

The attempts to dismember Georgia, the ethnic cleansing of my compatriots in Mkhazia and the expulsion of hundreds of thousands of citizens from their homes, clearly indicate to the urgent need of a mechanism that would be capable of not only prosecuting the perpetrators but would also serve as a strong deterrent against future conflagrations.

Mr. President,

Almost four years have elapsed since the International Law Commission submitted the draft Statute of the International Criminal Court to the General Assembly for consideration. Today, we can clearly say that a great deal of work has been accomplished during this period of time.

In the course of the work of the Preparatory Committee for the Establishment of the Court, the member states have come to a compromise on a number of substantive issues arising from the Draft Statute. My Delegation has repeatedly articulated its position with regard to the subject-matter jurisdiction of the Court. We believe that the ICC should have jurisdiction over following crimes: a) Genocide; b) Aggression; c) War Crimes during the internal and international conflicts; d) Crimes against humanity, while supporting the principle of complementarity as a means of determining the role of the ICC, we emphasize that the international court should not be reduced to a residual mechanism for dispensing justice. If the Court is not truly empowered to step in where national systems prove incapable or unwilling to punish the perpetrators of serious crimes, its establishment would be of limited value. The ICC must be able to assume a case when national prosecution is not likely to occur or would be a sham, the determination of which should be in the competence of the court itself.

With regard to the role of the Security Council, we support the ability of the Council to bring matters before the Court. But the independent prosecutor should also be able to trigger the trials at the request of the State Party.

My Delegation generally upheld the view that the ICC is to be established by treaty and should be closely linked to the United Nations. The modalities of the Court's relationship with the UN, should be dealt with in a special cooperation agreement between the Court and the UN.

Mr.. President,

Debates during the Conference have clearly shown the importance that the world community attaches to the creation of an international criminal court. However, the achieved progress that came about thanks to the good will, ability to compromise, and the readiness to overcome obstacles, should in no way slow the momentum and weaken our efforts if we want to ensure success of the Diplomatic Conference.

In closing, allow me to express hope that by the end of this Forum, and the present

millennium as well, we will affix our signatures to the Document that has long been waited for by the world community.

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