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STATEMENT
by
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at
**the United Nations Diplomatic Conference of Plenipotentiaries on
the Establishment of an International Criminal Court**

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Rome, 16 June 1998

Mr. President
Secretary-General,
Dear Delegates,
Ladies and Gentlemen,

First of all, let me express my Government's appreciation to the Government of the Republic of Italy for their hospitality and for enabling the convening of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, here in Rome, the cradle of the law and its fundamental principles.

We have gathered in Rome, with an important duty to finalize the idea which has existed for so long, to establish international criminal court- an instrument of global justice which thus far has been the missing link in the international legal system.

In the last 50 years the international community has witnessed many crimes against humanity, war crimes, acts of genocide and severe violations of human rights for which individuals have not been held liable. Due to the non-existence of an international body, i.e., an international court for dealing with individual liability, very often many of those individuals have not been brought to justice. An international court is necessary therefore to help end impunity for these crimes, under international law, by providing an international institution when the national judiciary fails to do so. Experiences tell us that there must be universal, cogent norms and an efficient system for their implementation.

The action of the United Nations Security Council for the establishment of ad hoc tribunals clearly signaled the international commitment and encouraged international community to the principle of individual liability for crimes under international law.

In short, the reason for the establishment of a permanent international criminal court is more than a mere necessity. Its existence must be a clear sign and

a warning to all criminals, warlords and others that they will be brought before justice and at the same time it should be a guarantee for the humanity, an instrument for universal respect of human rights and fundamental freedoms.

The establishment of this court, at the dawn of the XXI century, undoubtedly has been recognized as a decisive step forward, in which the United Nations has played the leading role, thus turning a new page in the international law and international relations, in which a new system of international penal law is integrated.

Mr. President,

The Government of the Republic Macedonia is a firm advocate of the necessity for the establishment of a permanent international criminal court and actively participated in the UN deliberations so far. This position derives from the Constitution of the Republic and other appropriate legislation by which the system of criminal justice in the country has been established which, without any obstacles, could easily be incorporated and thus become a part of the international criminal justice. The system of criminal justice in the Republic of Macedonia has all the prerequisites for effective observance of international conventions and for prosecution of international criminals. By supporting the proposal for the establishment of the permanent international court, the Government of the Republic of Macedonia in fact supports the idea which corresponds to its determination for establishment of a modern, democratic, rule of law state and criminal justice system.

We welcome the outcome of the last session of the Preparatory Committee, where an agreement has been reached on many legal issues having political implications, such as the agreement that the court should be an independent, permanent institution open to all states, then that it should have an international legal personality with the competence of bringing persons to justice for the most serious crimes, in accordance with the national legislation, for the establishment of a Preparatory Commission etc. The Preparatory committee has paved the way to the successful adoption of the Convention. We must act the same way, in Rome,

and not to lose this historic opportunity of establishing the international criminal court.

However, there are also a number of important issues that this Conference has to resolve. I would like to stress the importance that all Delegations should make the necessary efforts and demonstrate the needed political readiness to reach agreement on the outstanding issues in order to adopt the Final Act of the Convention and other instruments in Rome, thus enabling the establishment of an independent and efficient international criminal court.

Mr. President,

Now, I would like to present the views of the Macedonian Delegation on some issues before the Conference.

1. My Government strongly supports the idea for establishment of permanent International Criminal Court (ICC) as a result of a long historic development and as a necessary instrument for the protection of the basic values of the modern civilization. Too many peoples have been victimized and suffered in the 20-th century. The international community should not allowed that to be repeated in the 21-st century;

2. Considers that by the establishment of the ICC the system of international criminal justice is to be completed, to which the Macedonian criminal justice system is compatible. Furthermore, the establishment of the ICC shall give a strong impetus to the further development of the international penal law and to the international cooperation on the suppression of serious crimes, especially the organized trans-national crime;

3. Accepts the principle of complementary competence as related to the first instance competency of national courts, which is effectuated when the national court is unable or unwilling to carry out proceedings in cases which are under the competencies of the ICC, as well as when it is obvious that court's decisions are partial;

4. Is committed to the consistent implementation of the principle of independence of the ICC from political influences, influences from states or international bodies;

5. Accepts the definition of the competency of the ICC with respect to the four proposed international crimes: the crime of genocide, crimes against humanity, war crimes and the crime of aggression. In addition, if the Conference reaches agreement, the Republic of Macedonia will accept proposals such as crimes of terrorism and of illicit trafficking with narcotic drugs and psychotropic substances to be included on the list of crimes under the jurisdiction of the Court;

6. Accepts the principle of the independence of the Prosecutor and its competence to initiate investigations ex officio, on the basis of information coming from relevant sources;

7. Considers that the Security Council should be authorized to initiate investigations before the Court. The prior decision of the Council that an act of aggression has been committed by a state, should be a condition for initiating the proceedings;

8. Accepts the proposed penal system which excludes the application of the death penalty;

9. Considers that the basic principles of the penal proceedings contained in the draft statute of the ICC correspond to the international norms and standards and decisions of the modern penal proceedings;

10. Considers that states parties to the convention should consistently carry out the undertaken obligations, in cooperation with the Court;

11. Accepts the view for excluding any reservations to the Statute, after its adoption;

12. Considers that the system of international criminal justice should be further elaborated especially by developing instruments of mutual assistance in the suppression of crimes, based on mutual trusts, and especially by unification in the material and procedural law, by eliminating the obstacles to the effective implementation of the international criminal justice.

Mr. President,

Despite the evident determination of the international community to overcome the problems arising from the violations of human rights we are witnessing numerous crisis in the world. The wars and crimes committed in BIH and Rwanda can not be forgotten. Therefore a decisive action of the international community is necessary in order that such severe violations of human rights be prevented. I do hope that at this Conference the Final Act on the establishment of the International Criminal Court shall be adopted. In our view the preventive role of ICC will discourage future perpetrators of such crimes and thus contribute towards the efforts aimed at the maintenance of the international peace and security. I am also convinced that the establishment of the International Criminal Court shall give a new impetus both to the development of the international criminal justice, and to the development of justice in general.

The Macedonian Delegation with endeavor and cooperate with other delegations so that the Conference adopt the statute.

Thank you, Mr. President.