

STATEMENT BY H.E. PAUL HEINBECKER, AMBASSADOR AND PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS TO THE UNITED NATIONS SECURITY COUNCIL ON JUSTICE AND RULE OF THE LAW, SEPTEMBER 30, 2003

Je vous remercie, Monsieur le Président, d'avoir organisé ce débat et de nous avoir donné l'occasion d'aborder cette question aussi vaste qu'importante.

Comme nous l'avons observé dans les interventions précédentes, nous avons déjà beaucoup accompli en matière de justice et de règle de droit.

Nous voulons que les Nations Unies, et le Conseil en particulier, continuent de s'intéresser de près à ces questions et aux aspects maintien et consolidation de la paix, protection des civils pendant les conflits armés et rôle des femmes en matière de paix et de sécurité.

In light of the time pressures that face us, however, I will most of focus my comments on two issues of particular concern to the government of Canada.

The Council has shown commendable leadership in creating the *ad hoc* tribunals for the former Yugoslavia and Rwanda.

Those tribunals, with their success and ongoing challenges, have strengthened international resolve to end impunity.

These tribunals are welcome advances on the status quo ante. But experience has revealed the problems inherent in an *ad hoc* approach, that is, uncertainty, selectivity, delay and duplication.

A standing institution can be more efficient and more effective in deterring mass crimes.

Of course, national investigations and prosecutions are the preferred solution. And, in reality, the ICC will promote national action through the principle of complementarity.

States will know that if they do not act, the ICC will do so and if they do act, the ICC will not.

They will also know that where certain states are unwilling or unable to act, the ICC stands ready to act, with extensive checks and balances to prevent abuse.

We are aware of the very strong concerns in some quarters about the theoretical possibility of ICC investigation of nationals of certain non-states parties.

We do not think those concerns are likely to be realized.

But I would like to set those differences aside for the moment, to focus on one area where I presume we all do agree:

In cases where the jurisdiction of the ICC is clearly accepted by the State affected,

where that state is unwilling or unable to respond to massive crimes,

and where *there is no hope for the victims other than the ICC* -- we assume that this Council will set aside its differences and support the work of the ICC to help bring justice for victims.

The situation in Ituri, Democratic Republic of Congo, may be one such situation.

We implore the Council to act with one decisive voice to help, and not hinder, the efforts to restore justice and uphold the rule of law.

Secondly, the Special Court for Sierra Leone.

You will recall that the Court is a hybrid UN-Sierra Leone tribunal and that it is financed entirely by voluntary funding.

Despite the Court's successes over the last year, its future is threatened by a severe budget shortfall.

The Court will simply be unable to complete its task without receiving additional funds in the near future.

Some states have pledged to help but considerably more money is needed.

We therefore appeal to the international community to contribute additional funds to the Special Court without delay.