



## General Assembly Plenary – 67th session

# Role of International Criminal Justice in Reconciliation

New York, 11 April 2013

H.E. Mr. Paul Seger  
Permanent Representative

---

*Unofficial translation*

Mr. President,

As much as we welcome a debate on the role of international criminal justice in reconciliation we must also voice our concern about the choice of the date for today's discussion, and the manner in which it has been prepared. Our concern has been confirmed yesterday. We hope that today's debate will take place in a more constructive and future-oriented manner with the perspective to promote international criminal justice and reconciliation.

Mr. President,

On the subject matter for today, we would like to emphasize that the two international criminal tribunals created by the UN Security Council in 1993 and 1994 as a reaction to the atrocities committed in the former Yugoslavia and Rwanda as well as other *ad hoc* tribunals have made a fundamental contribution to the development of international criminal justice. While not perfect institutions, they have brought justice to victims and they have highlighted the necessity of accountability as an essential building block of reconciliation and lasting peace. In this regard, I wish to express my delegation's disagreement with the statement that was made yesterday in the speech of the President of the Republic of Serbia on the work of the International Criminal Tribunal for the former Yugoslavia and on the painful events that led to its establishment. With regret, we also take note of other rather worrying interventions during the day.

Mr. President,

The International Criminal Court is the centrepiece of the fight against impunity. The ICC is the only institution of international criminal justice that is permanent, established by an international treaty, and formally recognized by almost two thirds of all UN Member States. It is the only institution that can rely on a pre-defined legal framework, highly qualified personnel and secure funding. Therefore, the ICC is the only international institution that is capable of promptly, credibly and effectively investigating and prosecuting severe violations of international human rights and humanitarian law.

---

**Mission permanente de la Suisse auprès des Nations Unies**  
**Permanent Mission of Switzerland to the United Nations**

633 Third Avenue, 29th floor, New York, NY 10017-6706  
Tél. +1 212 286 1540, Fax +1 212 286 1555, [www.dfae.admin.ch/missny](http://www.dfae.admin.ch/missny)

Mr. President,

The existence of the ICC proves that we do have the means to fight impunity. However, institutions of international criminal justice can only be effective with robust political and diplomatic backing. States should do more to support the ICC, in particular by arresting and surrendering fugitives. It is also crucial that we fully respect judicial decisions, even when we do not agree with all of them. By casting doubt on the credibility of judicial institutions to reach independent decisions, we undermine the judicial process itself and thus fail in our obligation to ensure the right to justice and to provide satisfaction to victims.

Furthermore, the United Nations can and should do more to support international criminal justice. In particular, a consistent referral policy and an actual follow-up to referral resolutions by the Security Council are necessary. Our call on the Security Council to refer the situation in Syria to the ICC, which is supported by more than 60 States, must be seen in this light. Within the UN, another field that needs improvement is the effective implementation of the "essential contacts policy".

Mr. President,

International criminal justice is a challenge. Switzerland would like to mention two important lessons learnt from the last twenty years:

*First*, reconciliation and the satisfaction of the essential needs of victims cannot be achieved by judicial means alone. According to the principles against impunity reaffirmed by the UN Human Rights Council, effective dealing with the past must also include the right of victims to the truth, to reparations and guarantees of non-recurrence. Reconciliation is a process that must take place on an individual and a collective level and justice is no shortcut or guarantee for it. However, let us also be clear that the absence of justice is a guarantee for continued antagonism.

*Second*, criminal justice at the international level is complementary; accountability must primarily be ensured at the national level. All *ad hoc* tribunals were created because the national authorities concerned were unable or unwilling to prosecute the alleged perpetrators, and the ICC can only intervene in this scenario. International criminal justice can and should do no more than prosecute the worst crimes by the perpetrators with the greatest responsibility for them, especially senior officials who ordered or tolerated the commission of the crimes.

Mr. President,

The courts created by the international community have passed fundamental judgments of great importance to victims of heinous crimes, and have thereby provided justice and paved the way to reconciliation. To enhance the effectiveness of international criminal justice, we must intensify our support for this common goal.

Thank you.