

THE REPUBLIC OF SERBIA

SIXTY-SEVENTH REGULAR SESSION

SIXTH COMMITTEE

AGENDA ITEM 83: The rule of law at the national and international levels

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STATEMENT

by

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Mr. Chairman,

As Serbia aligned itself with the statement of the European Union, in my statement I shall focus on some points from the national perspective.

I would like to thank for introducing the report of the Secretary-General on “Strengthening and coordinating UN rule of law activities”, even though it list, on page 11, the Serbian province of Kosovo among states, contrary to resolution 1244 (1999).

Our discussion will undoubtedly be marked by the High-Level Plenary Meeting on the Rule of Law, the first such meeting since the Heads of State and Government at the 2005 World Summit identified the rule of law as one of the key areas that needed greater attention. Through its deliberations and the adoption of the Declaration, Member States have once again recognized the need for the universal adherence to, and implementation of, the rule of law at the national and international levels and reaffirmed their commitment to an international order based on the rule of law and international law which is essential for peaceful coexistence and cooperation among States.

Serbia reiterates its firm commitment to an international order based on international law, which is in the core of the UN principles and activities. Both the UN Charter and the Universal Declaration of Human Rights recognize the relevance of the rule of law for lasting international peace. The rule of law is a necessary precondition for sustainable peace and development in any society, and the justice and the rule of law are preconditions for the maintenance of peace and security at the international level as well.

Given the importance of accountability to the rule of law, combating impunity becomes an obligation. I would like to emphasize that the mutual goals of Serbia and the ICTY have shown to be identical and feasible. With its efforts and results achieved, Serbia has contributed to the strengthening of international justice and further normalization of the situation and improvement of relations between the states of the Balkans. At the same time, it made significant contribution to the process of strengthening confidence in the work of national and international institutions.

In this regard, taking into account that the Declaration emphasizes the importance of promoting the sharing of national practices, let me express the willingness of Serbia to share the experiences related to cooperation with the ICTY and the results of the domestic war crime trials with other countries and international stakeholders.

Serbia attaches great importance to transitional justice as an essential component of efforts to strengthen the rule of law and a viable contribution to peace and security. This has been particularly important in our region in the context of reconciliation and facing the past. We maintain that our successful cooperation with the Tribunal gives us moral right to continue to insist on the effective investigation of the allegations of hideous crimes of killing people for the purpose of organ harvesting contained in the Report of the Rapporteur of the Council of Europe dated 7 January 2011. Serbia expects that the ongoing investigation of these war crimes allegations will be conducted professionally, impartially and efficiently in order for the truth to be established and perpetrators brought to justice. Uncovering the truth regarding such horrible crimes must remain our top priority.

Today, as well as more than a decade ago when it participated in the establishment of the International Criminal Court, the Republic of Serbia remains committed to this institution. In a short time, the Court has become a valuable institution for prosecuting perpetrators of the most serious international crimes. These achievements, however, should not keep us in the belief that the fight for a strong and efficient system of international criminal justice is won. The fight for a strong International Criminal Court is a continuous process in which there are no final victories. The Rome Statute serves as a prime example of the interplay between international and national rule of law efforts, as the ICC is complementary to national jurisdictions and an important catalyst for domestic systems of justice.

I am glad to say that the Republic of Serbia, as a step in that direction and as a manifestation of its full support to the Court, in January 2011 signed with it an agreement by which it took an obligation to take over the enforcement of criminal sanctions imposed by the Court.

We believe that the next stage of development of the international criminal justice system will be characterized by the efforts directed towards finding the most appropriate mechanisms to enable national judicial systems to take over the tasks imposed by the principle of complementarity.

I would like to commend the Secretary-General for his leadership in advancing the issue of the rule of law. Serbia supports the activities of the UN in promoting the rule of law and the work of the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General, which is at the heart of the United Nations mission. Such efforts should be based on the fundamental principles of the UN Charter, namely, respect for national sovereignty, territorial integrity and non-interference in internal affairs.

In conclusion, let me reiterate that for Serbia the establishment of a legal state and the rule of law is the basis for ensuring legal security for individuals and the entire society, as it encourages economic growth, investments and a competitive business environment. It is therefore one of the basic preconditions of economic, social and political development of states.