

Statement by H.E. Mr. Sheikh Mohammad Belal, Ambassador of Bangladesh to the Netherlands and Permanent Representative to the International Criminal Court (ICC) at the 13th Session of the Assembly of the State Parties to the Rome Statute to be held in New York from 08-17 December 2014.

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Mr. President,

On behalf of the Bangladesh delegation, let us first congratulate you on your election and assure you of my delegation's support during your tenure. I would also like to thank the outgoing President Ambassador Ms. Tiina Intelmann for her hard work and dedication over the last three years. We also would like to register our deep sense of appreciation for ICC President Judge Song. Ever smiling face of Judge Song always reminds us to do more for a world free from tyranny and deprivations. Registry's innovative project "Revision" deserves not only our verbal kudos, it should be equally backed up with the resources it deserves. The same is true for the Office of the Prosecutor. For a world little peaceful than what it is now, this is a price we ought to pay for a more effective, functional yet responsible Office of the Prosecutor under able leadership of Prosecutor Ms. Fatou Bensouda.

Please allow us to register our admiration for the dedicated work of all members of the Bureau and the Working Groups in The Hague.

We congratulate the esteemed judges who have been elected during the current session. And we wish all the best to those who are awaiting for their election. Equally we remain immensely indebted to the outgoing Judges for their dedicated service to make ICC truly what people would like it to be.

Mr. President,

May I reiterate, with a modicum of pride, that Bangladesh was one of the 120 countries that voted in favour of adoption of the ICC statute, and was the third Asian country and the first in South Asia at that time, to sign the Rome Statute. The importance that our Father of the Nation Bangabandhu Sheikh Mujibur Rahman had attached in his UNGA address to the need for "liquidating the legacy of injustices from the past" encouraged Bangladesh, under Prime Minister Sheikh Hasina's stewardship, to become the first signatory to the Rome Statute from South Asia in 1999. Again, when Sheikh Hasina returned to office in 2009 with the overwhelming mandate to ensure justice for the horrific crimes committed during our Liberation War in 1971, it was only natural that

Bangladesh decided to ratify the Rome Statute in March 2010. During this time, the quest for justice and shattering the culture of impunity around those crimes crystallized into a national movement in Bangladesh, and was embraced whole-heartedly by a new generation.

Mr. President,

Bangladesh was born out of a sustained struggle for representative inclusion, democracy and rights, which shaped our collective aspiration for statehood and identity. Our experience during the Liberation War in 1971 brought us face to face with genocide, war crimes and crimes against humanity inflicted by the occupying forces.

As we know, the ICC does not have any retrospective mandate over the mass atrocity crimes committed prior to 2000. For obvious reasons, to deliver on its pledges to the people, Prime Minister Sheikh Hasina's Government had to set into motion an independent national judicial process to ensure justice for the crimes against humanity and genocide committed in our territory in 1971. This has, in fact, created a new paradigm in international criminal justice by allowing purely domestic courts the mandate to hold trials for the internationally defined crimes in adherence to the relevant international standards. This has been in full conformity with the 'complementarity' principle of the Rome Statute as it demonstrates our nation's 'ability' and 'willingness' – both important criteria stipulated in the Statute – to bring to closure past crimes and the wounds and trauma they had inflicted. Till date, the International Crimes Tribunal, Bangladesh has pronounced 12 verdicts and convicted 12 for committing crimes against humanity and genocide proven against each one them beyond reasonable doubts.

The Bangladesh experience reveals how the culture of impunity can create space for obvious perpetrators to shield themselves from the reach of justice and fabricate self-images in the shape of wronged political victims to buy sympathies from certain vested quarters around the world. It is to pre-empt such gross abuse of impunity that Bangladesh had enacted the International Crimes Tribunal Act, 1973 at a time when there was hardly any precedent for any such legal instrument anywhere in the world. On hindsight, Bangladesh takes some pride in the fact that the ICT Act of 1973 may have acted as a building block for the Rome Statute adopted almost three decades later. We also draw relief from the fact that the deprivation of justice that our victims from 1971 had to suffer for long would not be repeated in other instances in future since the ICC would be there as the court of last resort.

Mr. President,

Bangladesh has committed itself to promoting universalization of the Rome Statute, especially in the Asia-Pacific region, as one of our foreign policy priorities. For the first time this year, our Government observed the International Day of Global Criminal

Justice in Dhaka. The Hon'ble Prime Minister gave a message on the occasion, reaffirming Bangladesh's commitment to remain in the forefront of global efforts to ensure justice for victims of international crimes and to end the culture of impunity around them.

In a similar vein, Bangladesh has joined several international and regional initiatives to prevent genocide and other mass atrocity crimes, and to promote durable peace and reconciliation through justice and coming to terms with the past. In all these fora, the Bangladesh genocide narrative from 1971 featured along with more recent ones, and reinforced the message of 'never again' to genocides and crimes against humanity in the backdrop of a world marked by violent bloodshed and fratricidal conflicts.

Bangladesh also committed itself to work towards preventing sexual violence that constitutes one of the gravest breaches of international humanitarian principles during armed conflicts. Bearing the memory of the two hundred thousand women and girls that were violated and tortured in 1971, Bangladesh renewed its pledge to promote compliance with the landmark UN Security Council Resolution 1325 and its successor Resolutions. In our national context, it was a sobering moment for our people when our Government decided this year to recognize those women, wronged and denied justice for long, as 'freedom fighters' in their own right and entitled to the same privileges.

Mr. President,

It is perhaps a sad reality that the international community feels more compelled to take concerted action against certain instances, while at the same time is much less responsive to others that are equally atrocious. This observation, true in many instances, should not prevent us from seeking global solidarity, and standing up against the perpetrators. When a sufficient number of cases have been judicially dealt with, and a trend is established of taking action on crimes against humanity, a tradition will emerge when uneven responses of the international community to sequential breaches of law will be minimized, or even eliminated.

Out of this conviction, Bangladesh has been in the forefront of international condemnation against the atrocities, oppression and systematic violation of human rights and international humanitarian principles by the occupying Israeli forces during their unwarranted and unjustified military offensive carried out in the Gaza Strip earlier this year. The international community, especially the UN Security Council, must recognize that our perceived inability or failure to bring to justice the alleged crimes against humanity and crimes of aggression committed in the Gaza Strip would only serve to undermine the principles and standards of global criminal justice.

Mr. President,

Bangladesh reaffirms its commitment to making constructive and forward-looking contributions to further strengthening the ICC's mandate and work. It is evident that a sound and robust evidence base remains imperative for conducting effective investigation and prosecution by ICC. We feel that there would be little merit in demanding of ICC to bring in some degree of regional parity in its prosecution efforts by unduly politicizing the questions of gravity and admissibility in the submissions made before the Court.

Bangladesh appreciates the formation of the Trust Fund for Victims and encourages potential donors to provide enhanced and predictable resources to allow the Fund to make a real difference in the lives of the victims around the world in a targeted and meaningful manner.

We take note of the draft report of the Bureau of Cooperation and some of the concrete recommendations made by them to enhance the Court's international cooperation activities. From our national perspective, we wish to engage with the Court to further enhance our enabling legal compliance with the Rome Statute.

We also see merit in the ^{four} five country initiative for preparing the grounds for negotiations on an international instrument on Mutual Legal Assistance and Extradition in Domestic Prosecution of Atrocity Crimes.

Mr. President,

Let me conclude by reminding us of a promise that we, the humankind, made yesterday for Human Rights 365 while we celebrated International Human Rights Day on 10 December.

This year's slogan, **Human Rights 365**, encompasses the idea that every day is Human Rights Day. Each one of us, everywhere, at all times is entitled to the full range of human rights, that human rights belong equally to each of us and bind us together as a global community with the same ideals and values. And we should constantly remind ourselves that poverty still remained the most challenging manifestation of the violation of human rights.

Mr. President, Bangladesh would, therefore, like to propose consideration of innovative means for a more vigorous outreach effort for the universalization of the statute through involvement of our younger generations. The Court, this august body, our civil society, and NGOs should compete to make it incrementally better for the generation to whom we are going to pass the baton.

I thank you, Mr. President.