

**STATEMENT BY ESTONIA AT THE 15<sup>TH</sup> SESSION OF THE ASSEMBLY OF  
STATES PARTIES TO THE ROME STATUTE**

**17 NOVEMBER 2016**

Mr President, Excellences, Ladies and Gentlemen,

In addition to, and in support of, the statement read out by the representative of Slovakia on behalf of the European Union and its Member States, Estonia would like to make the following remarks.

It is never superfluous to emphasise the role of the International Criminal Court as an essential contributor to the maintenance of a rules-and-values-based world order. The principle of complementarity is a well-known concept for the States Parties to the Rome Statute. Usually it is understood as a reference to the primary responsibility of States, not of the Court, to investigate and prosecute the most serious crimes of international concern. On the other hand, the whole Rome Statute system is based on the principle of complementarity – it is created to complement other institutes of international law, in particular international humanitarian and human rights law.

For Estonia, international law is the biggest authority. We therefore strive for clarity and certainty of norms as it not only reduces the risk of intolerable practices, but provides transparency and predictability of State behaviour. The application of international law, including the Rome Statute, is vital for the prevention of the most serious crimes and the deterrence of conflicts.

During the ninth session of the Assembly in December 2010, the representative of Estonia encouraged the States Parties to consider the ratification or acceptance of the amendments adopted in Kampala by 1 January 2017. We are happy to see that our common efforts have borne fruit and more than 30 States have completed the national procedures necessary for the entry into force of the amendments. Now we are looking forward to the adoption of a decision that would allow the Court to exercise its jurisdiction over the crimes set forth in the amendments. We hope that such decision will be adopted already during the next session of the Assembly, bearing in mind, in particular, the fact that the crime of aggression has unfortunately not disappeared from the State practice.

Mr President,

Without any intention to interfere in the work of the Court, Estonia notes with appreciation that the Pre-Trial Chamber authorized the Prosecutor to proceed with an investigation of crimes committed in and around South Ossetia, Georgia in 2008. We call upon all Governments and non-governmental organisations to use their influence to encourage all States, including non-States Parties to the Rome Statute, to cooperate in the investigation of these crimes committed in our continent.

In parallel with the already ongoing work, we have to pay attention to the changes in our societies, including the ever broader use of new technologies. The General Assembly of the United Nations has welcomed by its resolution 68/243 the report of governmental experts that confirms the applicability of international law to the use of information and communication technologies. This conclusion is worth bearing in mind also within the context of the Rome Statute. The crimes have to be prevented or investigated and prosecuted irrespective of the way they are committed, be it by using kinetic force or cyber means.

As the world is changing quickly, it is important that all States, including those that might sometimes be critical to the functioning of the Court, remain committed to and actively participate in the discussions on the development of international law. It is essential to acknowledge that we perceive threats and opportunities differently. Regardless of how clearly we can see and understand each other's perspectives, we should remain mindful to each other's views. Only this open and permissive attitude allows us to achieve stability and security.

The use of information and communication technologies can also help to raise the efficiency and effectivity of the functioning of the Court. While acknowledging the different levels of capacity in different States and the need to guarantee access to justice for everybody, Estonia stands ready to share its experience in electronic court proceedings and communication.

Finally, Estonia would like to welcome in this Assembly the newest State Party to the Rome Statute El Salvador, a country that is almost our neighbour behind this table.

Thank you for your attention!