



**Statement by
H.E. Sheikh Mohammed Belal, Ambassador of the People's Republic of Bangladesh to the
Kingdom of the Netherlands, at the Seventeenth Session of the Assembly of States Parties to
the Rome Statute**

The Hague, 6 December 2018

H.E. Mr. O-Gon Kwon
President of the Assembly of States Parties
Hon'ble President of the ICC and Hon'ble Judges
Madame Prosecutor of the ICC
Registrar of the ICC
Observer States and the States not party but present here
Excellencies
Distinguished Delegates
Ladies and Gentlemen,

Allow me first to felicitate Your Excellency Mr. O-Gon Kwon for your excellent stewardship of the Seventeenth Session of the Assembly of States Parties to the Rome Statute. We pledge our full support to you in discharging your mandate to ensure justice.

We also like to register our appreciation for the Presidency, Office of the Prosecutor and the Registry of the International Criminal Court (ICC) for their hard work and dedicated service for the Court and pursuit of international justice. I also take the opportunity to register our admiration for the dedicated works of all members of the Bureau and the Working Groups in The Hague and New York.

My delegation would like to congratulate Ambassador Jens-Otto Horslund of Denmark for his election as a Vice-President for the remainder of the term of Ambassador Momar Diop. We take the opportunity to register also our deepest appreciation to Ambassador Momar Diop of Senegal for all his dedicated efforts during his Vice-Presidency.

We express our profound gratitude to the States Parties for electing Bangladesh as a member of the Bureau until the conclusion of the nineteenth session of the Assembly of States Parties. We would like to register our gratitude to all our Asia-Pacific partners, particularly to Japan and the State of Palestine, as well as to all States Parties for the spirit of camaraderie demonstrated by them to make a room for us in the Bureau.

Bangladesh will be serving in the Bureau for the first time since our joining the ICC in 2010. As a country, which was at the forefront of the global campaign for the early adoption of the Rome Statute and the creation of the ICC; and as a nation, which has committed itself towards bringing end of impunity to the war crimes, genocides, crimes against humanity and crimes of aggression, Bangladesh would strive to contribute in furthering the cause of the ICC - to end impunity for the perpetrators of the most heinous crimes and establish the rule of law while serving the Bureau.

Given the history of our own victimhood, we also put up our candidature, from Asia-Pacific region, in the Board of the Trust Fund for Victims and would like to register our gratitude to this august body for their consideration.

Mr. President,

I would like to reiterate Bangladesh's unequivocal support to the Rome Statute and the principles of global criminal justice as it continues to evolve. Our conviction to such an instrument has been as old as the struggle that led to our independence more than four decades ago. During our war of independence in 1971, three million innocent civilians were sacrificed, and 200,000 women endured sexual and gender-based violence. Following the complementarity principle of the Rome Statute, we have ensured trial of some those perpetrators and their local collaborators, who committed war crimes, genocides and crimes against humanity in 1971. By undertaking this challenging task, we have demonstrated our resolute commitment to the Rome Statute.

Bangladesh continues to attach importance to institutional arrangements for disseminating ICC's norms and practices with interested national jurisdictions for further strengthening complementarity, bearing in mind the varied contexts of national jurisdictions.

Mr. President,

This July, we celebrated in The Hague the 20th Anniversary of the adoption of Rome Statute, the founding instrument of the ICC. It reminded us that bringing justice to the most vulnerable also allows us to connect on the basis of humanity. The 20th Anniversary also reminded us that the importance of the universalization of the Rome Statute remains as relevant and urgent as ever. As an ardent promoter of ICC, Bangladesh remains ready to support the Court in all its endeavours for achieving universalization. We also appreciate the work done by the Bureau of the Assembly of States Parties in implementing its Plan of Action for promoting universality and full implementation of the Rome Statute.

To bring home our message of commitment to the full implementation of the Rome Statute, the Speaker of Bangladesh National Parliament Hon'ble Shirin Sharmin Chaudhury, MP made herself available to join the 20th Anniversary held here in The Hague in July this year.

Mr. President,

We welcome the activation of the Court's jurisdiction over the crime of aggression on 17 July 2018 following the decision of the Sixteenth Assembly of States Parties. We hope this would strengthen the application of international rules and norms regarding prohibition of use of force as enshrined in the UN Charter.

Bangladesh joins the call for upholding and defending the independence of the Court, and reaffirms the importance of supporting all those cooperating with the Court, including States and relevant international organisations and bodies towards fulfilling the ICC's critical mandate.

Mr. President,

The best resource that a country could have is her people. Bangladesh, a country of over 160 million people, have no other way but to remain occupied in finding solutions to her problems in a human way. Buoyed by the aspirations of our people, our government, therefore, remained conscious about social, political and economic future of our people. The bloodied chapters of our history taught us, painfully though, that true security is based on people's welfare and their sense of belonging to what is truly theirs. Our history is littered with lessons showing abundantly that development, peace, disarmament, reconciliation and peace are not separate from justice and security, they are the fulcrum, where rooted our nationhood, as a developing country.

Talking about developing country, it needs no elaborations that resource endowments and geographic locations do make a great deal of difference. There is a reason for this geographical focus. The criminal law, for the most part, is bounded by national territory. Yet, all parts of our lives are increasingly shaped by the forces of globalisations like mass migration, boat people or even by the acts of terrorism. Our life is not merely where we live or what we eat but to people who live next to ours, to midnight hallucinations of Islamophobic or anti-Semitic graffiti on our door steps, to our place of worship, to where we travel, if permitted with a stamp called Visa, there is no reason to imagine that criminal justice would be unaffected. Not only are some crimes, like terrorism, cybercrime, trafficking, or drug offences are global, but criminal justice agents and institutions increasingly operate across borders or have an impact far away. This is why we wish to see the ICC as the Holy Grail of Criminal Law for the humanity to take recourse, for practice and for immersion, when in distress.

Mr. President,

Allow me, at this point, ladies and gentlemen, to invite you to join me, in thanking, the President of the ICC Judge Chile Eboe-Osuji for his outstanding report to the United Nations General Assembly this year. In his speech, the President of the ICC duly highlighted aspects of these omissions and contradictions. In his address, Judge Chile Eboe-Osuji rightly argued that the Court is today as necessary as it was at the adoption of its founding treaty 20 years ago. He also extended his aspiration to draw world's attention to the Sustainable Development Goals.

While highlighting the primary responsibility of national jurisdictions to investigate and prosecute Rome Statute crimes, Judge Chile Eboe-Osuji rightly encouraged the Court for inclusion of related capacity-building elements in legal and judicial reform programmes supported by the United Nations in the context of its assistance to the development of the rule of law, as well as the implementation of Sustainable Development Goal 16. Judge Chile Eboe-Osuji quoted "It is in this respect that the objectives of the United Nations and the ICC remain unsurprisingly at one".

If we could read his message between the lines, we would see the relevance of SDG 16 in furthering the Rome Statute too. We, in Bangladesh, therefore, urge all, wherever applicable, to consider to include the Rome Statute crimes and principles into the national laws and establish or enhance national processes for cooperation with the Court and training legal professionals on international investigations and prosecutions, in particular in the post-conflict settings to support justice and correctional institutions under the United Nations peacekeeping operation mandates.

Mr. President,

All of us are here to express our unflinching commitment and act to put an end to impunity and ensure that the perpetrators of the world's most heinous crimes are brought to justice. Despite our unwavering commitment, the world has once again witnessed the devastating consequences of a prevalent culture of impunity in our neighbouring State, Myanmar. Since 25th August 2017, more than 723,000 Rohingyas - majority of whom are women and children - have entered into our territory to flee from what the UN Special Advisers on the Prevention of Genocide and Responsibility to Protect have termed as atrocity crimes, and the UN High Commissioner for Human Rights as a "text book example of ethnic cleansing". The Report of Independent International Fact-Finding Mission on Myanmar, released on 27 August 2018, found "patterns of gross human rights violations and abuses" committed by the Myanmar security forces, as it said "undoubtedly amount to the gravest crimes under international law." At a meeting at the UN Security Council on 28 August 2018, UN Secretary General António Guterres called for ensuring accountability for the "horrendous persecution" of Rohingyas in Myanmar and said there could be no excuse for delaying the search for dignified solutions that would allow Rohingyas to return home in safety and dignity.

We duly noted the Decision of the Pre-Trial Chamber I of the ICC given on 6 September 2018 following the Office of the Prosecutor's Request made on 9 April 2018 to the President of the Pre-Trial Division Judge requesting for a Ruling on Jurisdiction under Article 19(3) of the Rome Statute - whether the Court may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh. We are also encouraged at the 18 September 2018 Statement of Prosecutor Her Excellency Ms. Fatou Bensouda on opening a Preliminary Examination concerning the alleged deportation of the Rohingya people from Myanmar to Bangladesh. Bangladesh looks forward to preventing atrocity crimes against Rohingyas in Myanmar by bringing accountability and justice.

The Government of Bangladesh, under the leadership of Hon'ble Prime Minister Sheikh Hasina, whom the world came to know as "Mother of Humanity", is firmly committed to the principle of safe, voluntary and dignified return and to that end, is working with Myanmar and the international community towards creating conducive environment in the Rakhine State of Myanmar.

Mr. President,

Remembering and telling the truth about terrible events are prerequisites both for the restoration of the social order and harmony as well as for the healing of individual victims. People who have survived atrocity crimes, often tell their stories, in a highly emotional, fragmented and at times, in a contradictory manner that undermines their credibility. This duality of truth telling and secrecy, in a condition of traumatized psychology, is often used by the perpetrators of crime to hide the evil within.

To deal with this evil within, the reparative role of the ICC is a matter of some solace to the victims of atrocity crimes and the formation of the Trust Fund for Victims (TFV). We urge all States as well as individuals to do their human best, as Ambassador of Conscience, to come to the aid of those who need us the most. We wish you to consider making contribution to the Trust Fund to be a part of your habit and outreach. We express our utmost gratitude to our Host Country the Netherlands for their contribution of one million Euro to the fund as announced day before yesterday. We also request the TFV to deliver what is expected of it and implement the decisions of the Court without failure.

We hope that all possible means would be undertaken not only to ensure fair geographical representation in the recruitment of staff as early as possible, also to guard us, the States Parties, from splitting into camps of haves' and have-nots or into "us" and "them". With so much investments to wipe us off this mortal world, before the angel of death dare touching us, why can't we invest, only a fraction of that, to enable the Court for a funding arrangement for Interns, Fellows and Junior Professional Officers (JPOs) from States Parties not or under represented. If we were to go by the yardstick of affordability of our parents, many of you would not have been here with *summa cum laude* to be a foot soldier of peace and justice.

We, in Bangladesh, would, therefore, like to submit to the Assembly to devise a system of funded internship, visiting professional and JPO programmes for candidates from developing regions, particularly from non- and under-represented States Parties under regular budget and/or under a Trust Fund.

Mr. President,

Before I conclude, allow me to go back where I began. One way of doing this is to quote from Charles Dickens's "Great Expectations" where his interesting character Pip stated "there is nothing so finely perceived and finely felt, as injustice". Indeed, it is fair to assume that our Father of the Nation Bangabandhu Sheikh Mujibur Rahman would not have sought for liberation, Parisians would not have stormed the Bastille, Mahatma Gandhi would not have challenged the empire on which the sun used not to set, Martin Luther King would not have fought white supremacy, without their sense of manifest injustices that could be overcome. They were not trying to achieve a perfectly just world, but they did want to remove clear injustices to the extent they could.

But, ladies and gentlemen, here in the ICC, we are asked to guard the world much more than the veneer of injustice. As the crimes, that the ICC wishes to address are grievous than mere injustice, it is expected that global collaboration among States needs to be equally entrenched and multifaceted. It is in this spirit of mutual partnership and dream for a peaceful future for our children, Bangladesh urges all remaining States, not party to the Rome Statute, to join the treaty and thereby demonstrate their aspiration for a world free from the culture of impunity.

Mr. President:

These are fine aspirations. But aspiration without action is sterile. It is deeds that matter. So, I urge my country and yours to join the ranks of "doers" for a world free of discrimination, sufferings and injustice. One easy way of doing this is to contribute to the Trust Fund of Victims, whatever we can, and try to make it a matter of habit and outreach.

I thank you.

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