



IRELAND

Seventeenth Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, The Hague, 5-12 December 2018

Plenary Debate

Statement by H.E. Mr Seamus Woulfe, SC

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*Check Against Delivery*

Mr President

Ireland associates itself in advance with the statement to be made by Austria on behalf of the European Union and its Member States. At the outset, I wish to express our gratitude to you, Mr President, to the Bureau and to the Secretariat of the Assembly of States Parties for your work in preparing for this session. I want to acknowledge also the excellent contributions made by facilitators and members of The Hague and New York Working Groups. I also congratulate Vice-President Horslund and the members of the new Board of Directors of the Trust Fund for Victims and the Advisory Committee on Nominations on their election.

This year marks the twentieth anniversary of the adoption of the Rome Statute. It is an appropriate moment to reflect on what has been achieved by the Court, and, also, on how to further assist the Court achieve its objectives in the future. This session of the Assembly provides that opportunity in particular during the Plenary Sessions on the 20<sup>th</sup> anniversary of the adoption of the Rome Statute and on Cooperation.

This year was also significant for the Court as its jurisdiction over the crime of aggression was finally activated with effect from 17 July. Ireland welcomed this and took the step of ratifying the Amendment on the Crime of Aggression. Ireland's instrument of ratification in this regard was deposited on 27 September. We very much hope that this development will contribute to a global culture of peace.

Mr President

It is necessary to continually bear in mind the reasons why the international community came together in 1998 and adopted the Rome Statute. It was the suffering of so many victims of truly shocking crimes, over so many years, that drove the international community to take that historic step. It was underpinned by a determination to deter the commission of such crimes, and a conviction that the Court by its very existence would contribute to peace and security.

Within the Rome Statute system, primary responsibility lies with States themselves to investigate and prosecute these crimes. The principle of complementarity is a key element of the Statute. The fundamental point to remember about the Court is that it offers a mechanism to provide for

accountability, and for justice, in relation to the most serious crimes of concern to the international community, only where states are unwilling or unable to do so.

The Court has faced many challenges since its establishment. The cases before the Court arise from very complex and challenging situations. However, the Rome Statute provides for a Court which is above all else an independent judicial institution. The Statute contains provisions to ensure that the Court operates independently and to the highest standards of justice, both from the perspective of the accused and from the perspective of victims.

States Parties must protect the Court's independence and support its effective and efficient functioning as it carries out the mandate that the States Parties, and in some instances the UN Security Council, have given to it. Ireland will not be found wanting in this regard. As Simon Coveney, Ireland's Deputy Prime Minister and Minister for Foreign Affairs and Trade, indicated in his address to the General Assembly of the United Nations on 28 September, Ireland is committed to the Court. Ireland is of the view that we should make the best use of all the structures that we have for international criminal justice, while continuously seeking to improve them. In this regard, while constructive criticism of the Court is to be welcomed, we must protect the Court from unfair assertions of bias or lack of independence precisely because it is fulfilling its mandate.

Cooperation is key to the effectiveness of the Court. We know that many aspects of cooperation present challenges for the Court. It is the responsibility of the States Parties to continuously work to overcome those challenges, whether it be around the non-execution of arrest warrants, the efficient execution of other requests for assistance, or the need for voluntary cooperation agreements. Ireland will continue to look for ways to support the Court in this regard.

The manner in which the Rome Statute seeks to address the needs of victims should also be considered when reflecting on the Court's work as a whole. The Rome Statute contains a number of innovative provisions with regard to victims. One in particular relates to the establishment of the Trust Fund for Victims. It carries out a critical role in delivering on the promise of reparative justice for victims. I can assure the new Board of Directors that Ireland will continue to support the work of the Trust Fund in every way that we can. The Fund depends on voluntary contributions. Ireland therefore makes a regular, annual contribution to the Fund and has contributed €950,000 to date and will contribute a further €175,000 by the end of this year. Also, in February of this year, Ireland undertook a joint initiative with the Trust Fund and conducted a monitoring mission in Northern Uganda. The purpose of the mission was to assess the impact of, and to promote, the Fund's work. Ireland was gratified that you, Mr President, and representatives of 10 States Parties took part in this mission. We urge States Parties and others to consider making new and increased contributions to the Fund.

Mr President

Ireland regrets the withdrawal of Burundi and the scheduled withdrawal of the Philippines from the Rome Statute. We urge states that have not yet become a party to the Rome Statute to consider doing so. Universality of the Rome Statute is the goal. In that way there is a greater chance that the principles of accountability and justice will be adhered to. Surely all individuals who have experienced the crimes addressed by the Rome Statute deserve no less.

For that reason, I will conclude by reaffirming that Ireland remains a steadfast and committed supporter of the Court.

Thank you.