



**19th Session of the Assembly of States Parties to the
Rome Statute of the International Criminal Court**

New Zealand Statement

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Mr President,

New Zealand is strongly committed to, and supportive of the Court and the Rome Statute system. It believes in the importance of its mandate – to hold to account those who commit the most serious crimes of concern to the international community. In delivering on its mandate as the only permanent international criminal court, the Court plays a cornerstone role within the broader system of international and national accountability mechanisms.

We commend the progress made by the Court in 2019 and in 2020, notwithstanding the significant practical challenges presented to its staff by the COVID-19 pandemic. We acknowledge and commend the efforts of all organs of the Court, the Secretariat, and the Bureau in their collective efforts to continue, to the extent possible, the important work of the Court and the Assembly during the pandemic and the unavailability of regular in-person meetings.

We also acknowledge and commend all those working to support the Court, the ASP, and the broader system of international justice and accountability, particularly civil society, in order to end impunity for international crimes.

At this year's Assembly, New Zealand would also like to thank President Kwon for his years of service as President of the Assembly of States Parties, and his stewardship, leadership, and ability to lead the Assembly in a cooperative, principled, and steadfast manner.

Independent Expert Review

New Zealand welcomes the recent Independent Expert Review of the Court undertaken by the Group of Independent Experts. The report issued by the Experts has provided the ASP with important insights into the Court's functioning and performance, and that of the wider Rome Statute system. The report provides important insight into those areas where the Court is performing well, and those areas where reforms or changes could be made in order to increase the performance, efficiency and effectiveness of the Court's system.

We thank the Group of Independent Experts, led by Mr. Richard Goldstone, for their invaluable work in this endeavour. We encourage all States Parties to give due consideration to the report and its recommendations, and ensure ongoing support for the Court in implementing appropriate recommendations.

The independent review has been a crucial first step – both in the width and scope of its review. However, its real value lies in the positive changes it will bring about, which will need to be carried forward by both the Court and States Parties.

As States Parties, it is important that we support the Court to deliver on its core responsibilities, and the recommendations of the Review that are implemented going forward. This includes ensuring that the Court has the resources necessary to effectively fulfil its mandate, developing our national capacities and complying with our cooperation obligations, and ensuring respect for the independence of the Court and the integrity of the Rome Statute system.

The Court is an independent court of last resort. New Zealand emphasises that the primary responsibility to ensure accountability for international crimes lies with States.

Judicial elections

New Zealand has been pleased to co-facilitate the review of the procedure for the nomination and election of judges. We welcome that through the Resolution on this topic adopted by the Assembly last year, the Assembly has strengthened the procedure for the nomination and election of judges. We must continue to appoint judges – from high quality candidates – in a transparent, fair, and merit-based process. States Parties must take seriously their responsibility for appointments in this regard, which will ensure that the Court continues to function as a credible and effective judicial institution.

Prosecutor

We would also like to thank the current Prosecutor, Ms Fatou Bensouda, for her years of dedicated work and service to the Court and its mandate, and her leadership of the Office of the Prosecutor. We acknowledge the progression of several examinations and investigations, and the achievements of the Office of the Prosecutor during her tenure. We note that the Assembly will shortly appoint the Court's next Prosecutor. Like the selection of judges, we reiterate that the process for doing so must be transparent, fair, and merit-based.

Ratification of war crimes amendments

New Zealand is pleased to announce that earlier this year, New Zealand deposited instruments of ratification for all amendments made by the Assembly of States Parties to the war crimes provisions contained in Article 8 of the Rome Statute. This includes the most recent amendment passed by the Assembly last year, to add starvation of civilians in non-international armed conflict as a war crime.

These amendments will enter into force for New Zealand as a State Party in October of 2021.

Court's environment

We acknowledge the difficult environment in which the Court continues to operate and the inherently challenging task the Court faces in delivering international justice.

New Zealand supports the Court's role as an independent judicial institution. We reiterate that its independence must be respected and protected to enable it to perform its functions. Recent actions taken against the Court and its officials by non-States Parties risk undermining this critical international judicial institution and highlight the need for States Parties to redouble their efforts in supporting the Court and the international rule of law. We are firmly of the belief that the mandate and credibility of the Court are intrinsically tied to its independence and impartiality.

New Zealand remains committed to the Court and Rome Statute system, and to working alongside others to safeguard the Court and ensure it continues to be an effective and credible international judicial institution.

Thank you, Mr President.