

Romania's statement for the general debate
at the 19th session of the Assembly of States Parties (ASP) to the Rome Statute
(December 2020)

Mr. President,

As a supporter of the rules-based international order, Romania remains committed to the unique role of the International Criminal Court (ICC) in preventing and sanctioning the most serious crimes of concern to the international community.

Delivering justice cannot be put on hold, not even in these challenging times of the pandemic. Therefore, we would like to acknowledge the continuous efforts of the Court to meet its mandate under inauspicious circumstances.

During more than 20 years since its creation, the ICC has produced a large body of jurisprudence on fundamental legal issues and turned into an indispensable piece of the international criminal justice system. The impact of the Court on domestic judicial systems has also been significant, by catalyzing national investigations and trials, as well as by stimulating the adoption of relevant legislation and strengthening the internal judicial capabilities.

At the same time, the Court has been faced with some inherent difficulties, due to its treaty-bound competence, limited resources, as well as to the lack of cooperation by some States.

In striving to reset our thinking about the functioning of the Rome Statute system, we should not forget that the ICC is the outcome of the lessons learned from the two World Wars and other conflicts that followed. While it is time to move past the idealistic discourse, we simply cannot afford to overlook the aspirations of the founders of the Rome Statute and the hope of the many victims of atrocity crimes for which the ICC is the ultimate safety net. We should make every effort to ensure this institution remains strong, efficient and accountable over time.

Along these lines, we cannot forget that one of the main founders of the International Criminal Law doctrine and the father of the idea of establishing an International Criminal Court was the illustrious Romanian diplomat and jurist Vespasian V. Pella (1897-1952). The Romanian Government's recent donation to the Court of a painting depicting Pella was meant to symbolically reflect our long-standing commitment for the development of the international criminal justice system.

Mr. President,

Romania will continue to respect its *cooperation obligations* under the Rome Statute and encourage all States to support the Court in carrying out its important mandate.

We believe in a synergetic global justice system where national, regional, international and hybrid institutions coexist and mutually reinforce each other. While the ICC was conceived as a court of last resort for the gravest of the situations, enabling the local justice mechanisms to address international crimes remains the most adequate manner of combating impunity. As *ad country co-focal point on complementarity* since 2017, Romania has actively called for a renewed attention to supporting national proceedings.

During these unprecedented difficult times for the ICC, Romania stands ready to preserve the *Court's integrity and independence* as prerequisites of its efficient functioning. We need to collectively shield the institution from external pressures and political interferences.

At the same time, we should further work to improve its performance and governance. Consequently, we welcomed the *comprehensive review of the Court and of the Rome Statute system* aimed at reaching this goal. It is essential that the follow-up process on the report of the Independent Expert Review be inclusive and transparent, avoid excessive bureaucratization, maximize the use of existing working groups, build on the Court's previous internal reform work and take into consideration the specific attributions of the ASP and the organs of the Court, respectively. While safeguarding the judicial and prosecutorial independence of the Court, the ASP, as the representative body of the States Parties without which the ICC would not exist, should boldly exercise its legislative and oversight powers. However, such an exercise should also include a self-critical view on certain behaviours of States Parties and the Assembly's governance shortcomings.

Mr. President,

The *upcoming election of six new judges and the prosecutor* comes at a crucial juncture in the history of the ICC. Romania supports the objective of selecting the most highly qualified candidates for these important positions and calls against the politicization of this process. Therefore, Romania has given due consideration to the recommendations made by the independent expert mechanisms put in place by the Assembly of States Parties to ensure a merit-based and impartial evaluation of the candidates against the criteria set out by the Statute, namely the Committee on the Election of the Prosecutor and the Advisory Committee on the Nomination of Judges. As regards the election of the Prosecutor, we have been constructively engaging in the consultation process with the view to identifying a consensual candidate, while standing up for the integrity and transparency of the overall exercise.

To conclude,

As part of the efforts to defend the reputation of this institution, we need greater awareness of the Court's mandate and more realistic expectations of what the Court can do within its treaty-based competence. The ICC, with the support of States Parties, should invest in better communicating about its work, including in direct dialogue with the countries concerned, and in addressing lingering misperceptions, especially in the context of the ongoing review process.

In addition, the Court should further act to match the trust placed in it by States and the international legal community, in accordance with its visionary mandate under the Rome Statute.

Romania is supporting the speech delivered on behalf of the EU and its Member States.