



STATEMENT BY AUSTRALIA

TO THE 20TH SESSION OF

THE ASSEMBLY OF STATES PARTIES TO

THE INTERNATIONAL CRIMINAL COURT

BY

H.E. AMBASSADOR MATTHEW NEUHAUS

Madame President, honourable Ministers, Excellencies, colleagues.

First, let me warmly congratulate you, Madame President, on your election to preside over our Assembly and also the ICC President Piotr Hofmański and Prosecutor Karim Khan QC, who were elected to their significant leadership positions this year. We pay tribute to former Prosecutor Fatou Bensouda and former President Chile Eboe-Osuji for their contribution over many years to the Court and its mission.

I also welcome the six newly elected judges who were sworn in on the 10th of March and highlight that the International Criminal Court has now reached gender parity on its bench.

This new generation of leadership will, we trust, be further strengthened this week when the Assembly elects two new Deputy Prosecutors. By supporting the most highly-qualified and meritorious candidates, we can help to ensure that the Court is optimally positioned to deliver on its core mandate and necessary reforms in the coming years.

Madame President.

As a strong supporter of accountability, and a longstanding supporter of the International Criminal Court, Australia remains firm in its conviction that accountability for atrocity crimes is critical to sustaining peace and supporting reconciliation in post-conflict situations. Accountability for these most serious international crimes is the core of the Court's mandate.

We appreciate the commitment of the Court to continue this work undeterred, despite the unique challenges presented by the COVID-19 pandemic. We are pleased that the number of active trials with Court hearings is forecast to double, from two trials in 2021 to four trials in 2022.

Delivering justice for victims must remain our key objective while pursuing accountability for impunity. It is why Australia was pleased to contribute AUD300,000 to the Trust Fund for Victims this year. We hope that our contribution, with its particular focus on reparations for victims and survivors of sexual and gender-based violence, underscores that Australia's commitment to gender justice – at home and abroad – is backed by action.

Madame President.

Australia thanks the Review Mechanism for its leadership in continuing to drive review and reform of the ICC as a transparent and inclusive State-Party driven process, which must include all relevant stakeholders to be successful. The Report of the Independent Expert Review provides an excellent basis for reform and we appreciate the willingness of the Court to engage in dialogue with States Parties on all recommendations. We must maintain momentum and a shared focus on implementing reform to the Court and Rome Statute system.

As part of this reform process, States Parties must urgently address the state of arrears and the liquidity issues facing the Court. We must not allow this to become a persistent and structural issue. We urge all States Parties to pay their assessed contributions in full and on time.

Madame President.

Australia recognises the Court's contribution to the international rules-based order. Australia is of the view that the Court must focus on matters squarely within its core mandate at all stages of the investigatory process, including preliminary examinations.

The Court must continue to find ways to deliver robustly, effectively and efficiently within the reality of finite resources. Australia recognises the Court's increased workload next year and the costs associated with delivering on reform – and so supports the budget increase recommended by the Committee on Budget and Finance. Prioritisation will be important going forward.

Madame President.

The primary responsibility to investigate and, where appropriate, prosecute those responsible for serious international crimes rests with States. And properly so. The ICC's role is as a critical court of *last resort* where States that would otherwise have jurisdiction are unable or unwilling to exercise it. This complementary nature of the ICC's jurisdiction is fundamental to its mandate and will be critical to its success.

As co-focal point on complementarity, Australia is pleased to have worked so closely with Uganda again this year to facilitate dialogue on this priority review issue. Australia would like to thank the Court, and Office of the Prosecutor in particular, for engaging with the Assembly and stakeholders

so constructively on the topic. Deeper dialogue is needed to build a better shared understanding of the principle of complementarity. We look forward to continuing to facilitate dialogue with the OTP in early 2022 as it reviews its policies and practices.

Over the last year, Australia and Uganda have also facilitated consultations on the important issue of sexual and gender-based crimes. We encourage States Parties to once again support language in the omnibus resolution to ensure this dialogue continues in the coming year.

Madame President.

As we embark on a new year of review and reform, we must not forget that it is individuals in the Court – particularly its leaders – who will ultimately deliver change, particularly to the Court’s internal culture and governance. Australia commits itself to continue its active support and partnership with the Court in achieving the success we all wish this to be.

Thank you, Madame President.