



20th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

New Zealand General Debate Statement

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Ms President,

New Zealand welcomes Ms Silvia Fernández de Gurmendi as the new President of the Assembly of States Parties, and commends her on her first year of leadership of the Assembly, through the continuing challenges facing the international community through COVID-19, and at a time of evolution for the Court. We look forward to her stewardship of the Assembly over the next two years and look forward to working with the Presidency.

New Zealand welcomes the work of the International Criminal Court and its efforts since the nineteenth Assembly of States Parties, and appreciates its efforts to prioritise work, in light of current budgetary and other constraints. We reiterate our strong support for the Court as a central pillar of international criminal justice. In delivering on its mandate to hold to account those individuals responsible for the most serious international crimes, the Court plays a crucial role in the international rules based order, and assists in ensuring necessary accountability for atrocity crimes, and providing transparency and dignity for victims. New Zealand calls on all States Parties to support the Court in the delivery of this mandate, in line with the obligations set forth in the Rome Statute.

We commend the progress made by the Court in 2020 and in 2021: this has included significant trial and investigative work, judgements issued at first instance and confirmed on appeal, the conclusion of four preliminary examinations, the opening of a new investigation, and a significant change of leadership with the election of six new judges, a new President of the ASP, and a new Prosecutor.

New Zealand acknowledges the efforts of all organs of the Court, the Secretariat, and the Bureau to continue the important work of the Court and the Assembly during the pandemic and the unavailability of regular in-person meetings. New ways of working, such as the introduction of hybrid proceedings, have allowed the Court's work to continue and we welcome the use of these methods.

We also recognise that the Court operates as part of a broader system of international and national accountability mechanisms for international crimes. We applaud all those working within this system – including in the United Nations system, at country and regional levels, including civil society – to end impunity for international crimes, and to emphasise accountability for atrocity crimes as part of the rule of law.

New prosecutor

New Zealand welcomes Mr Karim Khan on commencing his role as Prosecutor of the International Criminal Court. The Office of the Prosecutor plays a critical role in the effective functioning of the Rome Statute system. We acknowledge that the Office has made significant progress in its work this year, under Mr Khan's leadership.

New Zealand welcomes the election of two Deputy Prosecutors during this session of the Assembly. We thank all involved in the assessment of applicants for these roles, and the efforts of the Prosecutor's panel in the preparation of the short-lists of qualified candidates. Like all elections at the International Criminal Court, States Parties must continue to take seriously their responsibility for appointments, and elections must be carried out in a transparent, fair, and merit-based process to ensure that the Court continues to function as a credible and effective judicial institution. New Zealand looks forward to working with those elected to the post.

Independent expert review

We welcome the ongoing and positive engagement by the Court, the Review Mechanism, and States Parties in moving towards implementing the recommendations made by the report of the Independent Expert Review in 2020. The report provided important insights and practical recommendations, underpinned by a thorough examination of the Court

system, including consultations with its staff and officials, as well as States Parties. We encourage all States Parties to ensure their ongoing support for the Court in implementing appropriate recommendations.

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

With regard to the resources of the Court, New Zealand supports a budget that is reasonable and justified, and allows for the Court to fully implement its mandate.

Entry into force of war crimes amendments

Last 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 in 2019, to add starvation of civilians in non-international armed conflict as a war crime. We are pleased to note that these amendments entered into force for New Zealand as a State Party in October of 2021. New Zealand calls on States Parties that have not yet done so to consider the ratification of these amendments, which represent conduct prohibited under international humanitarian law.

Judges' facilitation

New Zealand has been pleased to co-facilitate the review of the procedure for the nomination and election of judges.

New Zealand remains strongly committed to the Rome Statute and its underpinning principles of complementarity, cooperation and universality. We reiterate that the primary responsibility to take robust and appropriate measures when faced with the commission of international crimes lies with States. The Court is an independent court of last resort to try these crimes. Domestic courts and judicial processes that secure accountability for the perpetrators of international crimes are crucial to implementing the principle of complementarity. We encourage States Parties that have not done so to consider incorporating Rome Statute crimes and principles into their domestic law, and reiterate our support for the International Criminal Court and the Rome Statute system.

Thank you, Ms President.