

Statement of Canada

21th session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

December 2022

Mister Vice-President,

For 20 years, the Court's value in the fight against impunity for the most serious international crimes has been indisputable. In light of the growing number of challenges facing the global system, the importance of its role for the future seems equally clear to us. This Court forms one of the pillars of the rules-based international order, and Canada praises its continued efforts to strengthen respect for the rule of law and ensure justice for victims.

Over the past year, the Court has reached a new high in both its judicial and prosecutorial activities, which includes five trials in progress and seventeen ongoing investigations. Among the most recently instituted investigations is the situation in Ukraine, which saw an unprecedented 43 States Parties, Canada among them, referring the situation to the Prosecutor in light of the escalating crisis in Ukraine caused by Russia's illegal invasion.

While welcoming the ongoing work of the Court in fulfilling its essential role in pursuing accountability and bringing justice to victims for the gravest of international crimes, we note, however, that equal access to justice for all victims cannot be achieved without universal ratification and full national implementation of the Rome Statute. To fill this void, we reiterate our call for all non-States Parties to ratify the Rome Statute, which will strengthen international criminal justice, combat impunity and help to deter future crimes, thus allowing victims who currently are bereft of the Court's protection to obtain justice.

In the same vein, Canada remains concerned by the 14 arrest warrants that remain outstanding. We therefore also reiterate our call on States to cooperate and give effect to these arrest warrants so that the Court may fulfil its mandate and ensure comprehensive accountability, while respecting the right to a fair trial.

Mister Vice-President,

As we benefit from renewed attention on the critical role of the Court and support for accountability, we must build on this momentum to enable the Court to effectively and consistently deliver on its mandate. Unfortunately, the Court's ability to fulfill this mandate is hampered when States Parties do not pay their assessed contributions in full and on time. Indeed, the Court's persistent liquidity issues cannot be adequately addressed without the full and proper payment of contributions by States Parties that

are currently in arrears. If this issue is left unaddressed, a substantial budget increase this year may cause this situation to deteriorate further. There is thus a growing and pressing need for the liquidity situation of the Court to be corrected, and we call upon those States in arrears to pay their contributions according to their obligations under the Rome Statute.

To help address the Court's budgetary shortfalls and allow it to continue its operations, Canada has again provided, for the third year in a row, the majority of its assessed contribution to the Court in advance for the coming year. Nonetheless, this is not a sustainable avenue for the proper functioning of the Court. Canada has also been pleased to provide voluntary contributions to support the Court's efforts this year, including by increasing our deployments from three to ten police officers and by providing two million dollars to the ICC Trust Fund to investigate sexual and gender-based crimes, and crimes against children. However, relying on the granting of voluntary contributions to fund activities that should be included in the regular budget is also not sustainable, even if they demonstrate a strong commitment to justice.

With a view to longer-term sustainability of the Court, Canada will continue to support discussions based on the recommendations in the Independent Expert Review's report on ways to strengthen the functioning of the Court and its effectiveness in delivering justice. It is important that these discussions address ways to further

strengthen the Court's ability to allocate its resources efficiently and effectively, and to encourage the payment of contributions by States, on time and in full.

Mister Vice-President,

We are pleased to see increased diversity within the Court, and that efforts continue in this direction with the launch of the ICC's Strategy on Gender Equality and Workplace Culture. The recent election of Ms. Nazhat Shameem Khan and Mr. Mame Mandiaye Niang as Deputy Prosecutors is a positive step reflecting gender and geographic diversity as well as diversity among the principal legal systems in the world, which strengthens the operation of the Court. We are hopeful that the upcoming election of the Registrar will continue in this vein.

It should be emphasized that the work of the Trust Fund for Victims has also reached an unprecedented level of activity, with the implementation of reparation proceedings in five cases; attempting to repair the harm suffered by 3,000 victims; and twenty ongoing assistance projects, directly benefitting nearly one hundred thousand individuals. Canada has been proud to support the work of the Trust Fund in Mali via a contribution of four million dollars.

Finally, we would like to take this opportunity to highlight the importance of supporting those who work to achieve accountability and promote and protect universal human rights – we continue to commend the critical role of civil society organizations,

as we all benefit from their valuable collaboration in raising global awareness of the role of the ICC, thereby supporting the work of the Court and helping deliver justice for victims.

On behalf of the Government of Canada, please allow me to recognize and express our deep appreciation to Mr. Peter Lewis for his years of leadership in his role as Registrar.

Thank you, Mister Vice-President.