

Statement on behalf of the Republic of Lithuania
by
H.E. Mr. Gabrielius Landsbergis

21st Assembly of the State Parties
to the Rome Statute International Criminal Court
The Hague
5-10 December 2022

Madame President,
Dear colleagues,

[While aligning with the statement by the EU, let me focus on a few issues of particular importance to Lithuania.]

This year marks 20 years since entering into force of the Rome Statute. What was once a vision of a few has now grown into a fundamental pillar of international criminal justice and a beacon of hope for the world's most vulnerable and oppressed. Lithuania's support to the ICC is unshakeable, as we reaffirm our commitment under the Rome Statute to defend and promote its principles and ensure accountability for perpetrators of the most horrendous crimes.

The restless devotion of the International Criminal Court, its judges, the Prosecutor and the whole team deserves our sincere appreciation and gratitude. To help tackle ever increasing workload, Lithuania was glad to support the Court with additional financial contributions and secondment, with full respect to its impartiality. We have also contributed to the Trust Fund for Victims that ensures reparations for harm suffered by the victims of crimes and their families. Lithuania calls on all States to fully honour their financial obligations and further contribute to the work of the Court.

Madame President,

[I am speaking to you from Ukraine where for over nine months] Russia's unprovoked aggression has horrified the world by complete disregard to the most basic fundamental international norms meant to govern the conduct of war, protection of civilians and other most vulnerable groups.

The ICC has been among the first to react and I commend the Prosecutor for his active involvement, in a joint effort with Ukraine and the Joint Investigation Team of which Lithuania is a proud member.

While we expect and encourage the ICC to continue its pivotal role in prosecuting the war crimes, genocide and crimes against humanity committed in Ukraine, we have to admit that the Court will not have jurisdiction to prosecute the crime of aggression.

Since aggression is the supreme international crime from which all other crimes flow, such jurisdictional gap risks to become a major source of injustice. Sustainable peace would be unimaginable if key political and military masterminds who lead this aggression were allowed to escape justice.

It is thus our strong belief that the Special Tribunal for the Punishment of the Crime of Aggression against Ukraine has to be established to complement the role of the ICC with regard to the crime of aggression. We also consider that the most preferable and feasible way to establish such tribunal is through the resolution of the UN General Assembly. Its universal representation would bring global legitimacy to the tribunal and go a long way in addressing crucial issues of impartiality, immunities of state officials and cooperation with the tribunal.

We also support the establishment of the Interim Prosecution Office that would be responsible for collecting crucial evidence of aggression, in complementarity with the ICC and Ukraine's prosecutors.

There is no doubt that serious legal and political questions still lie ahead, but that should not discourage us from rapidly forging ahead. Justice delayed is justice denied and we are all in agreement that Russia's unprovoked aggression against a sovereign nation cannot be left without an appropriate legal response.

Our failure to act, however, would not just mean that those responsible for the atrocities would evade justice. It would further embolden Russia and other aggressors to undermine international order and put us all at an even greater risk.

Thank you.