

Statement on Behalf of the United States of America
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Remarks by Ambassador-at-Large for Global Criminal Justice
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Thank you, Mr. Vice President.

It is a pleasure to be in The Hague for the annual meeting of the Assembly of States Parties of the International Criminal Court, and I am honored and privileged to address you on behalf of the U.S. Observer Delegation.

I want to begin by commending the Court's achievements over the last year and by expressing my gratitude for the extraordinary dedication of the Court's staff. Your tasks were already legion, and your work has only become more imperative over the course of this year in light of Russia's full-scale invasion of Ukraine but also the many other situations on your docket that deserve justice in equal measure.

The impact of ICC proceedings in restoring dignity is transformative—for families grieving loved ones stolen from them; for victims of sexual violence who may have lived with a shame that rightly belongs to the perpetrators; for communities wracked by violence.

In addition to the Court's profound achievements, we commend and appreciate the tireless work by so many of you to implement the many sensible recommendations identified by the Independent Expert Review. These exercises in introspection and natural institutional growth are befitting an international court entering its third decade.

Supporting the International Criminal Court

In the midst of all this activity at the Court, the Biden-Harris Administration launched a sorely needed reset of the U.S. relationship with the ICC. When I assumed my post, I inherited a clear mandate to continue rebuilding the U.S.-ICC relationship and put it on a more durable path, engage constructively with the Court and ASP members, and support the Rome Statute system across a wide range of situations, in a manner consistent with our laws, policy, values, and enduring commitment to international justice.

Over the past year, senior-level U.S. officials have interacted with Court and ASP principals in Washington and The Hague, and last month, a bipartisan delegation of U.S. Senators traveled here for official meetings to learn about the Court's work and explore potential areas of further cooperation.

Although the United States signed the Rome Statute, we are not a full party; nonetheless, there is much that we can do, and have done, to advance the work of the Court. In the remainder of my remarks, I would like to focus on three pragmatic areas that are essential to the Court's efficacy and where the United States is uniquely positioned to help.

Bringing Fugitives to Justice

First, apprehending fugitives and successfully bringing them to trial is imperative for any Court. The United States is proud to have played a key role in the successful transfer of two fugitives to the ICC who were both convicted of war crimes and crimes against humanity, including sexual violence. The remaining fugitives must similarly face justice.

To support the execution of ICC arrest warrants, the United States is continuously updating our own sources of information and working with national authorities and the ICC to locate, and strategize about how to apprehend, fugitives. We are also reinvigorating the War Crimes Rewards Program, administered by my office, including for the reward for Lord's Resistance Army commander Joseph Kony. In this regard, we welcome the Prosecutor's recent application for a hearing to publicly confirm the charges against Kony. Survivors of the LRA's crimes deserve the chance to bear witness even as Kony continues to elude capture.

Time and again, the rewards program has proven itself to be a valuable tool. We will continue to evaluate all situations in which offering rewards for other fugitives might help advance the ICC's efforts, and we are looking to make additional designations in the coming months.

Witness Protection

Second, we are committed to ensuring that all witnesses can meaningfully, and safely, participate in justice processes and to supporting comprehensive justice for survivors. In this regard, we are spurring a global conversation about the imperative of witness protection, on behalf of vulnerable survivor witnesses, but also insiders who have made the decision to offer testimony against their former confederates. We are pleased to deepen the conversation through a side event this week, co-sponsored by the ICC Registry and the delegations of Argentina and Sweden. We also pledge to continue working with the ICC to respond positively to its needs related to witnesses.

But we all know that trials are not enough: shattered communities must have the resources they need to heal, rebuild, and ultimately thrive for genuine peace and reconciliation to be possible. The Trust Fund for Victims exists to ensure that the Rome Statute can deliver comprehensive justice, and we were pleased to participate in the TFV's recent monitoring mission to Northern Uganda. Inspired by this vital work and the resiliency of survivor communities, the United States is actively considering how we might contribute to the Trust Fund, in addition to the direct support we provide to many of its implementing partners in affected communities.

Complementarity

This brings me, third, to the principle of complementarity. States retain legal and moral primacy in ensuring justice for grave crimes, but this can be enhanced by cooperation with international courts. In this regard, we welcome the Prosecutor's approach to building partnerships with national authorities, for example, by participating in joint investigation teams devoted to Libya and Ukraine.

The United States is similarly committed to strengthening the capacity of national and hybrid courts to investigate and prosecute mass atrocities. As Ambassador-at-Large, I have pledged to visit ICC situation countries and other societies around the world that are engaged in justice processes to look for ways to assist:

In Central African Republic, where there is a grand experiment in hybrid justice underway with three levels of activity—trials in national courts, at the hybrid Special Criminal Court (SCC), which just issued its first verdict, and at the ICC. We commend the enhanced cooperation between the SCC and the ICC.

In The Gambia, where there are encouraging steps towards creating a new hybrid court, following up on the successful Truth, Reconciliation, and Reparations Commission, which the United States is proud to have supported.

In Colombia, where advocates continue to forge a path towards justice through implementation of the 2016 Peace Accord, which provides for a comprehensive system to seek truth, justice, reparation, and non-repetition.

All these justice innovations point to the rich lessons to be learned from national systems and the value of deepening cooperation with regional and multilateral bodies.

Ukraine

Yet despite these encouraging steps toward justice, we are painfully reminded by ongoing atrocities in Syria, Burma, and Ukraine of the consequences of impunity and the imperative of the international community working in concert to secure justice.

Russia's aggression against Ukraine is a manifest violation of the UN Charter. Mounting evidence reveals that this aggression has been accompanied by atrocities in every region where Russia's forces are deployed. The information gathered suggest these abuses are not the acts of rogue units; rather, they are part of a deeply disturbing pattern of abuse consistent with what we have seen from Russia's prior military engagements—in Chechnya, Syria, and Georgia.

It falls to all of us to ensure that those responsible are held to account. We commend the international community for swiftly activating a range of accountability mechanisms in the global system of international justice, including here at the ICC.

Our support to these international efforts is complemented by assistance we are providing to Ukraine's Office of the Prosecutor General. We have deployed teams of international investigators and prosecutors to assist Ukraine in preparing war crimes cases for prosecution. This work is part of a multilateral initiative—the Atrocity Crimes Advisory Group—launched by the United States, the European Union, and the United Kingdom.

In short: This is complementarity in action.

Conclusion

Mr. Vice President, esteemed colleagues, in conclusion, the United States pledges to enhance our efforts on these fronts, including through robust engagement and cooperation with the ICC and states parties. And we encourage other friends of the Court—parties and non-party states alike—join us.

As we have said before, the United States respects the rights of every country to join the ICC. Indeed, we are encouraged by the many states that have undertaken commitments to promote justice and accountability for genocide, war crimes, and crimes against humanity.

We will continue to use the power of diplomacy and international law to advance justice, and we know that our efforts are all the more powerful by standing with all of you, the community of states committed to global justice.