

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

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Statement on “Complementarity” on behalf of the EU and its Member States delivered by H.E. Mr. Carlo Krieger, Ambassador, Ministry of Foreign and European Affairs of the Grand Duchy of Luxembourg

Mr. President,

The EU and its Member States welcome this plenary debate on the important issue of the implementation of the principle of complementarity including for Sexual and Gender-Based Crimes that may amount to Rome Statute Crimes.

There is an increasing awareness in the world today of the challenges posed by conflict-related Sexual and Gender-Based violence and it is imperative that States and other relevant actors cooperate and exchange knowledge and practice on measures to ensure justice for victims and accountability for perpetrators of such crimes. The need to strengthen national measures and international cooperation to ensure access to victims of such violence remains imperative. The exchange of views in this plenary session on strategic action at national level offers an important opportunity to address this global problem.

The capacity of the ICC system to fight against impunity is based on the principle of complementarity with national jurisdictions. The ICC does not replace national criminal justice systems, but rather it complements them. Primary responsibility for ensuring access to justice for victims and bringing offenders to justice lies with States themselves in conformity with the relevant provisions of the Rome Statute.

In order to make the principle of complementarity truly operational, all States Parties need to prepare and adopt effective national legislation. All EU Member States have adopted the necessary legislation to implement the Rome Statute; they exchange information on their experience and best practice regarding this legislation on a regular basis.

But we also take initiatives to promote the implementation of the principle of complementarity outside our borders. In this respect, the EU encourages States Parties to the Rome Statute to honour their duty to fully cooperate with the Court and

to enact and implement legislation aimed at empowering their national judicial systems to investigate and bring to justice perpetrators of international crimes and redress to their victims.

In addition, the EU and its Member States are particularly engaged in promoting and contributing to strengthening the capacity of national judicial systems to investigate and prosecute Rome Statute crimes, and – if need be – to efficiently cooperate with the ICC. Such effective and efficient interplay between national justice systems and the International Criminal Court is pivotal to giving full effect to the Rome Statute.

However, all too often, there is still a gap between international justice and national justice systems in this regard. The successful implementation of the complementarity principle requires both political will and capacity. States need to be willing and able to fight impunity for the most serious crimes of international concern.

This plenary debate on the implementation of the principle of complementarity illustrates that the Rome Statute system will only succeed in its task to make impunity for the worst crimes a feature of the past if it is underpinned by strong national criminal justice systems. The EU and its Member States remain committed to this task.

The EU candidate countries; the Former Yugoslav Republic of Macedonia, Serbia and Albania, as well as the country of the Stabilisation and Association Process and potential candidate, Bosnia and Herzegovina, align themselves with this statement.

Thank you.