



EMBASSY OF ESTONIA  
IN THE HAGUE

**Remarks by Mr Gert Auväärt  
Legal Advisor of the Estonian Delegation  
at the Fourteenth Session of the Assembly of State Parties  
to the International Criminal Court  
19 November 2015**

Mr. President, Excellences, Ladies and Gentlemen,

Estonia aligns itself with the statement delivered earlier on behalf of the European Union. In my national capacity I would like to make the following remarks:

I want to start by welcoming the new premises of the International Criminal Court. We hope that these permanent and, hopefully, improved conditions will help the Court in carrying out its work in an efficient and refined manner. When we think about international law, the first symbol that comes to mind is the Peace Palace located not far from where we have gathered today, and international politics and diplomacy is often associated with the UN building in New York. Continuing this line of thought, Estonia hopes that whenever anyone thinks about international criminal law in the future, it will be associated with the ICC's permanent premises in The Hague which will hopefully symbolize the permanence of the fight against impunity and the overarching accountability for atrocity crimes.

When looking at the resources available to the Court and the the heavy workload of the ICC brought by our common expectations for the Court to ensure accountability, we see that there is still room for improvement. It is a positive sign and a significant step forward that there are now 21 cases and eight active situations under the Court's consideration, of which a considerable number were referred to the Court by the States themselves. In addition, the Prosecutor is seized with numerous communications and preliminary analysis from all over the world and next year for the first time the Court will deal with four different trials taking place simultaneously. We have full faith in the Court to carry out all of these tasks in the best possible manner. In this regard we recognize the important internal

reforms and evaluation by several bodies of the Court in order to make their work more efficient. Estonia hopes that States Parties will keep the growing workload of the Court in mind when negotiating the Court's budget this week. We support the Committee on Budget and Finance and we welcome its valuable analysis and recommendation.

Mr. President,

We welcome the expansion of the International Criminal Court and the increasing ratifications of the Kampala amendments throughout the last year. Further, we welcome the second declaration by Ukraine accepting the exercise of jurisdiction by the Court over alleged crimes committed in Ukraine's territory since February 20th, 2014. Estonia hopes that Ukraine will also promptly ratify the Rome Statute to enjoy the full protection of the Rome Statute system.

Estonia recognizes the important judicial developments throughout the last year, regarding its first two appeals judgements in the situation in the DRC, the transfer and subsequent proceeding in the Dominic Ongwen case, and the confirmation of charges against Charles Blé Goudé in the situation in Côte d'Ivoire. Further, we recognize the Prosecutor's progress in her work on the situation in Georgia and note her assignment of the situation to the Pre-Trial Chamber in order to open an investigation into the situation.

Estonia would like to use this opportunity to restate that the Assembly of States Parties is not the appropriate venue to address issues currently being dealt with by the Court in any of the active cases.

Mr. President,

While the ICC is an independent judicial institution, it is connected to the United Nations through its genesis and shared values. We appreciate the continued cooperation and assistance the Court receives from the UN, and we further encourage to strengthen the relationship between the Court and the Security Council. The Security Council has authorized the missions in the DRC and Mali to cooperate with and support the Court. We encourage the Security Council to mandate peacekeeping missions to arrest ICC fugitives and to equip them in such a manner that the missions are able to fulfill their mandate.

Estonia calls upon all states to contribute to ending impunity by working together to execute pending arrest warrants. We recommend this in the light of the 12 outstanding warrants of arrest issued by the Court and the fundamental goal of the ICC to prevent mass atrocities, which constitute a threat to international peace and security.

The failure to bring individuals responsible for the most serious crimes under international law to justice means failing the victims of these crimes. The victims are the *raison d'être* of the Rome Statute system. The Court has given hope to the victims of atrocity crimes and more than 200'000 victims have already benefitted directly or indirectly from the concrete assistance programs of the ICC Trust Fund for Victims. We welcome the Court's progress on making a reparation policy, which were initiated by the Appeals Chamber's conclusion in the Lubanga case to make its decision a complete policy on reparation. This could be applied in the future when making judgments about handling reparations. Estonia is contributing again this year to the Trust Fund and we call upon others to do the same.

Mr. President, in conclusion,

Given the States' primary responsibility to ensure accountability, it is of the utmost importance that States, the UN, and other international, regional and non-governmental organizations assist States in building the national capacity to investigate and prosecute Rome Statute crimes domestically. Estonia has allocated development cooperation resources to promote the strengthening of national judicial capacity in this regard, working closely with civil society organizations which play a crucial role in assisting states in domesticating the Rome Statute, and we call upon all state parties in a position to do the same.

I thank you.