

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

Supplementary Agenda Item 21

Statement on behalf of 34 States Parties delivered by H.E. Roman Kirn, Ambassador of the Republic of Slovenia to the Kingdom of the Netherlands

Mr President,

Allow me to speak on behalf of the following 34 States Parties which include all EU Member States and the Republic of Moldova, the Confederation of Switzerland, Liechtenstein, Norway, Bosnia and Herzegovina and Canada.

We have listened carefully to the statement of the distinguished representative of South Africa.

We fully acknowledge the right of all States Parties to bring matters to this Assembly on an equal basis. At the same time, we stress the importance of the fundamental principle of judicial independence.

In our view the ASP could discuss, as requested by South Africa, certain procedural aspects of article 97 of the Statute as long as these aspects are not related to specific litigations pending before the ICC with the aim of strengthening the cooperation by States with the Court.

In any case, States can always submit a formal proposal for the adoption of new rules of procedure and evidence to be discussed within the appropriate body which can decide to forward it for consideration by the Assembly.

In the same vein and while noting South Africa's comments about the interplay of Articles 98 and 27 of the Rome Statute, any discussion within the Assembly must respect the competence of the Court to interpret the legal framework of the Rome Statute, in particular in pending cases. The Assembly makes the rules and the Court applies and interprets them.

We are ready to engage with any State Party of the Rome Statute in a constructive discussion on how to strengthen the role of the Court.